

# PLANNING & DEVELOPMENT COMMITTEE

**Tuesday, March 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 and 2/21/17
- 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. SEQR  
3. Discussion and recommendation to City Council

**Address:** 679 East Main St.

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. SEQR  
3. Discussion and recommendation to City Council

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

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

Proposal 2: Exterior changes to this building located within the BID

Actions: 1. Remove application from the table  
2. Review application  
3. Discussion and action by the board

**Address:** 115 Washington Ave.

**Applicant:** Robert Gerace (real estate agent for owner)

Proposal 3: Two applications to change the present uses of this existing mixed use building located within the R-3 (residential) district

Special Use Permit: change the first floor use from a physician's office to an attorney's office

Use Variance: change the second floor use from a permitted single dwelling unit to a land surveyor's office

Actions:

1. Review application
2. Discussion
3. Special Use Permit
4. Recommendation to the ZBA regarding Use Variance

V. Other/ New Business/Updates

VI. Setting of Next Meeting: April 18, 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

# PLANNING & DEVELOPMENT COMMITTEE

## *MINUTES*

**February 21, 2017**

**6:00 pm**

Council Board Room

One Batavia City Centre, Batavia NY

Members present: *Matthew Gray, Robert Knipe, Rachael Tabelski*

Members absent: Edward Flynn, Duane Preston Marc Staley (Alt.)

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 Acting Chairman Rachael Tabelski declared a quorum.

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

Ms. Tabelski called the meeting to order at 6:06 pm.

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

**MOTION:** Mr. Knipe moved to approve the minutes; the motion was seconded by Mr. Gray, and on roll call, was not approved 2-0-1.

Votes in favor: 2 (Matt Gray, Robert Knipe)

Votes opposed: 0

Votes abstained: 1 (Rachael Tabelski)

**RESULT: Insufficient number of votes to approve January 17, 2017 meeting minutes.**

### **IV. Proposals**

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

Address: *661 and 665 East Main St.*

Applicant: DePaul Properties (purchaser)

- Actions: 1. Review application  
2. Public hearing

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

Ms. Tabelski read the summary of the proposal.

#### **2. Public Hearing**

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

**RESULT: Public hearing opened at 6:08 pm.**

Mark Fuller spoke on behalf of the project. He said that the facility would include housing for:

- 30 special needs people
- Veterans
- Seniors
- Workforce
- Some market rate

According to Mr. Fuller, 50% of the project will be fully handicapped accessible and the other 50% will be adaptable.

Dan Glading explained that the intent is to create a community, rather than one large building, with the following characteristics:

- Townhouse clusters along the side
- Three stories along the back
- All arranged around a center green space
- Highly sustainable
- Vegetal roofing
- Bus stop in the front
- Connected to the Ellicott Trail

Chis Suozzi, Vice President of the Genesee County Economic Development Center (GCEDC), stated that the location of the project will:

Support the Ag Park

Aid infrastructure for brownfield areas

Create a positive economic impact that will benefit the city's future "Pathway to Prosperity"

Councilman Pierluigi Cipollone believes the project will stimulate economic growth in the area.

Batavia resident, Angie Misiti, spoke of the project as an asset to the east end of the city, and a possible option for those looking for comfortable housing that can accommodate persons with handicaps.

Julie Pacatte, Batavia Economic Development Center (BDC), addressed the issue of re-zoning. She noted that the 5-acre site of the Ag Park has not realized its value as an industrial area and is not marketable from an industrial standpoint. She said that it makes sense to change the zoning to accommodate higher density multi-family types of housing similar to what you see when first entering the city from that direction.

**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 6:34 pm.**

Ms. Tabelski noted that the proposal has been referred to the Genesee County Planning Board for a recommendation before coming back to the PDC for a referral to City Council.

- B. Area Variance recommendation to the ZBA: addition of a second driveway on the south side of this parcel. The proposed new stone driveway will be 10' wide and 60' in length.

Address: 119 Swan St.  
Applicant: Robert Ziminski (owner)

Actions: 1. Review application  
2. Discussion and recommendation to the ZBA

### **1. Review Application**

Ms. Tabela read the summary of the application. She reported that the Genesee County Planning Board disapproved the variance on the basis that other properties in the neighborhood only have one driveway. According to County Planning, and the second driveway, adjacent to an existing driveway, would change the character of the neighborhood. In addition, the second driveway could impact a City tree.

Mr. Ziminski told the board that he would like an additional driveway because the one he already has is on a hill and presents a hazard.

### **2. Discussion and Recommendation to the ZBA**

Ms. Tabela pointed out that in the past the board has recommended disapproval of second driveways if there is room in the rear of the property for additional parking. She noted that though it would be an inconvenience, there is room on the property to relocate the driveway to an area less hilly. She stated that it is important to preserve the character of the City's street fronts.

Mr. Knipe agreed with County Planning that a second driveway would have a negative impact on the character of the neighborhood.

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

**RESULT: Recommendation to the ZBA to disapprove the application.**

- C. Exterior changes to this building located within the BID

Address: 44 Main St. (Wendy's)  
Applicant: Irma Reiner (agent for Wendy's)

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

The applicant was not in attendance.

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

**RESULT: Application tabled.**

V. **Other/New Business/Updates:** none

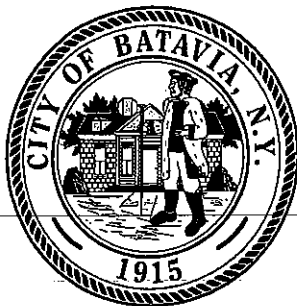
**VI. Setting of Next Meeting:** March 21, 2017

**VII. Adjournment**

Mr. Gray moved to adjourn the meeting at 6:49 pm; the motion was seconded by Mr. Knipe.  
All voted in favor.


---

Meg Chilano  
Bureau of Inspection Clerk



# City of Batavia

To: Felipe Oltramari, Director of Planning

From: Jason Molino, City Manager 

Date: March 2, 2017

Subject: Future Land Use Map

Attached please find the future land use map that has been developed by the City Comprehensive Plan Steering Committee. The land use map has been developed following 12 months of discussion, analysis and deliberation of future land uses in the City. The future land use map was presented at the most recent Open House on February 28<sup>th</sup> in which the public was provided opportunities to comment on all of the work culminating into what will be the final draft of the updated comprehensive plan. The land use map was one of seventeen stations that provided opportunities for public input and feedback regarding proposed recommendations for the comprehensive plan update. This was the second and final open meeting requesting public feedback on the Steering Committee's work product to date.

Noted in the future land use map (see attached) is a proposed change to the zoning in eastern end of the City along East Main Street. The current zoning in this area is I-1 and R-2, and is the proposed location for the Batavia Square housing project by DePaul Properties Inc. The zoning change proposed is from I-1 and R-2 to Neighborhood Commercial. Neighborhood Commercial has been defined as:

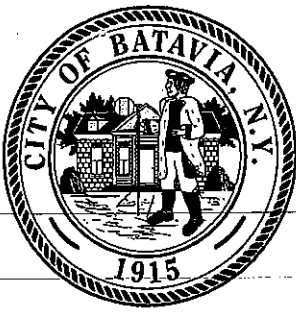
*"To allow for commercial areas that provide daily goods and services for nearby neighborhoods and on a sub-regional basis, as well as providing local employment opportunities. Policies should call for the enhancement of these areas as redevelopment occurs, with coordinated site planning and design, pedestrian access and amenities, development of coordinated parking, and the efficient infill and intensification of commercial use."*

Neighborhood Commercial supports the commercial uses as well as the higher density housing complexes that currently exist in that location and the type of development that has existed in the recent past. Furthermore, supporting reasons for changing the I-1 zone to a more commercial based zone is that

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

significant industrial development has happened south Main Street in City and more so in the industrial parks just outside the City (i.e. Agri-Business Park). To expect this type of industrial re-development in the City is not practical considering the amount of development opportunities that exist in industrial parks throughout Genesee County.

As referenced in my February 8<sup>th</sup> memo the proposed rezone of 661, 665 & 679 East Main Street parcels from I-1 and R-2 to R-3 are consistent with the future land use map zoning change to Neighborhood Commercial. Furthermore, attached please find comments regarding future housing needs and opportunities and the draft land use map. These comments further support for the rezone and the proposed housing project on East Main Street.

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

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 Comprehensive Plan

Draft Future Land Use Plan

DRAFT  
NOT FOR DISTRIBUTION

**Legend**

**City Boundary**

**Land Use Type**

- Agriculture
- Commercial
- Community Services
- Industrial
- Mixed Use
- Parks, Recreation & Conservation Lands
- Public Services
- Residential - Low Density
- Residential - Medium Density
- Residential - High Density
- Vacant Land
- Undeveloped



February, 2017

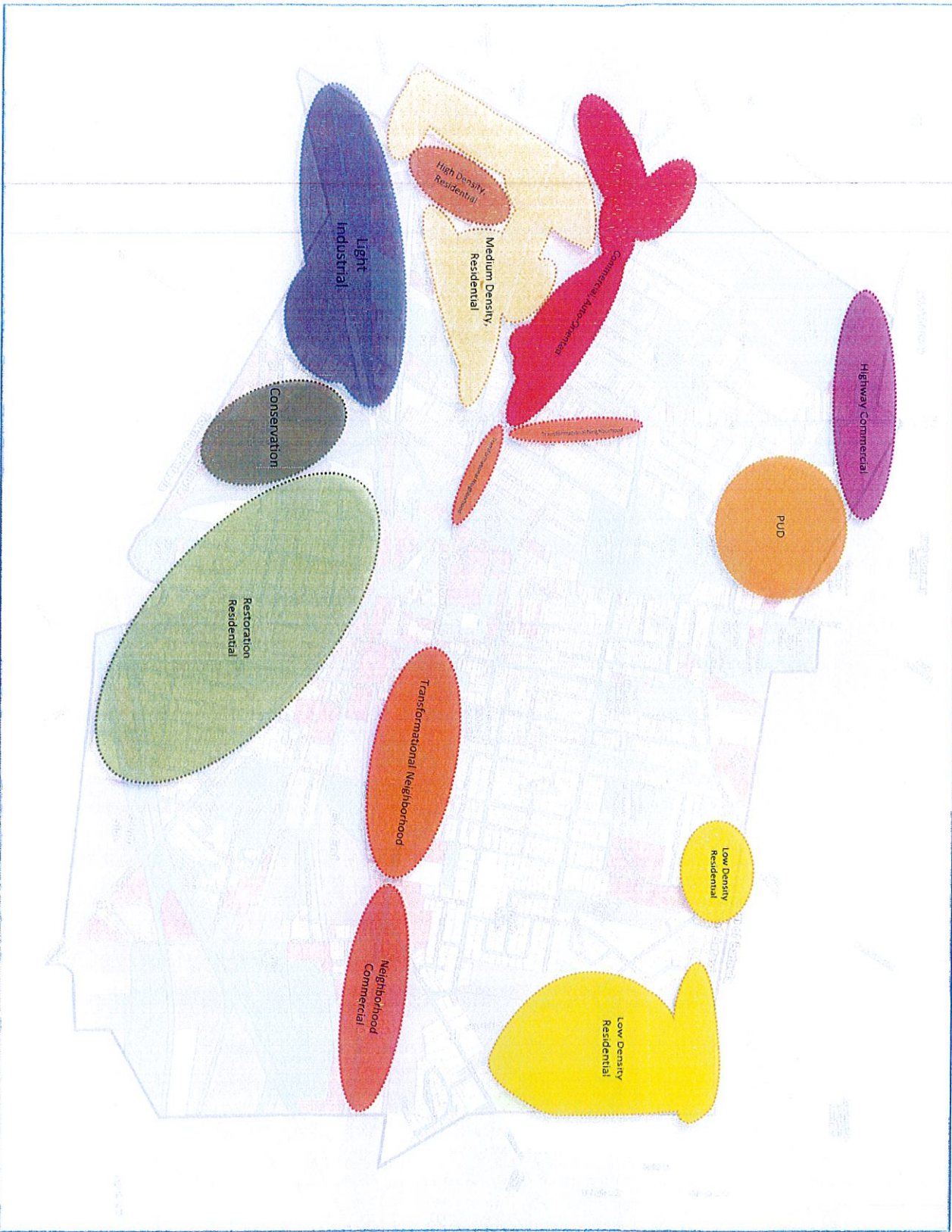
Source: City of Batavia  
MAP 2010 Imagery, NYS GIS

**ELAN**

Engineering and  
Land Surveying, P.C.

100 Years  
1900-2020

This map is a reference. It is not a legal document.  
Other maps and documents may be required for legal purposes.







NIXON PEABODY LLP  
ATTORNEYS AT LAW

NIXONPEABODY.COM  
@NIXONPEABODYLLP

**Daniel F. Brennan**  
Associate  
dbrennan@nixonpeabody.com

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

RECEIVED

FEB 21 2017

City Manager's Office

February 17, 2017

*Via First Class Mail*

City Council c/o Jason Molino  
One Batavia City Center  
Batavia, New York 14020

**RE: DePaul Properties, Inc. petition to rezone 661 and 665 East Main Street  
Comprehensive Plan Support**

Dear Jason:

We are submitting the following letter in further support of Defendant's Petition (and City's Petition with respect to E. Main Street) for re-zoning and look forward to discussing the results further at next Tuesday's meeting. The City of Batavia (the "City") Comprehensive Master Plan, adopted in February 1997 (the "Master Plan"), provides broad zoning, design, and economic development directives. DePaul's Batavia Square Apartments project (the "Project") is consistent with and in furtherance of the goals and recommendations set forth in the Master Plan, and will not result in any negative environmental impacts.

Comprehensive plans provide broad recommendations and goals for future development and land uses. Future land use maps are not determinative on any particular rezoning proposal, and should be read in context with the articulated goals and recommendations. The proposed rezoning is therefore desirable and an appropriate exercise of City Council's zoning authority.

#### **Appropriate Residential Development**

The Project will be consistent with the existing development of Main Street as contemplated under the Master Plan, which refers to the City as a "population center" serving Western New York. (Master Plan, pg. I-1). There are many existing dense multi-family housing uses along Main Street that provide a buffer to the single-family residential districts behind them. "The districts change primarily between R-1 and R-2 with some small areas of R-3 closer to Main Street." (Master Plan, pg. II-11). R-2 and R-3 zones are designed "provide a transition between the City's central core and its single family neighborhoods. (Master Plan, pg. III-8). The Master Plan further provides that continuation of these uses will provide affordable living and property investment opportunities within the City." (Master Plan, pg. III-8,9).

At the time the Master Plan was adopted, on East Main Street, east of Summit Street, the dominant uses were “professional offices, sit-down restaurants, banks and community services.” (Master Plan, pg. III-5). The Master Plan seeks to maintain the present character of that neighborhood and continue “the present mix of uses” (Master Plan, pg. III-5). Therefore the Project will help to maintain the existing mix of community oriented uses, including multi-family housing uses, which includes the existing Batavia Gardens apartments. It will providing housing options geared towards target markets, including seniors and veterans, within walking distance of the existing and future “community services”.

More specifically, multi-family housing was clearly contemplated along East Main Street at the time of the Master Plan. The Batavia Gardens apartments adjacent to the Project were constructed in 1962. Multi-family residential, which complements and provides the market for community services, was part of the “present mix of uses” along East Main Street when the Master Plan was created in 1997. The Project will be in further conformance with the neighborhood character.

Providing appropriate housing for seniors is also promoted by the Master Plan. “Batavia’s population is becoming increasingly older... It will be the challenge to the City to respond to the growing housing needs of this population.” (Master Plan, pg. III-9). Preference for renting the Project will be given to seniors and veterans. The Project is also designed to support people with mobility issues. Therefore, the goal and recommendation of providing R-3 zoned housing to accommodate the growing seniors population would also be met by the Project.

### **Industrial Consolidation and Buffering**

The Master Plan recognizes that industrial areas should be buffered from single family neighborhoods. (See Master Plan, pg. II-11). There is an existing R-2 district adjacent to the I-1 district along East Main Street. The proposed rezoning to R-3 will create a better buffer between the I-1 district and the nearby residential development in both the City and the Town of Batavia.

The Master Plan also recommends “disallow[ing] all residential uses within all industrial zones... [and] where residential uses are next door neighbors, provide adequate buffers and screens.” (Master Plan, pg. III-7). The residential building at 661 East Main Street is within the I-1 district. The proposed rezoning will therefore eliminate a residential use from an industrial zone, as recommended under the Master Plan.

The Master Plan strongly encourages consolidation of existing industrially zoned property with a focus on property located south of East Main Street: “Economic growth within the industrial sector will best be served by consolidating and expanding the Industrial zones on the eastern side of the City, primarily south of Main Street. Currently this area has a haphazard mix of land uses and bringing clarity will help hold industrial redevelopment potential.” (Master Plan, pg. III-6). Here, the Project proposed to rezone on the north side of East Main Street, which per the text of the Master Plan is not the targeted area for future industrial growth, as the

City's "industrial areas are generally located south of Main Street." (Master Plan, pg. II-11). Instead, the property that is the subject of the rezoning (part of which already hosts a residential building) is more appropriately used as multi-family housing as a transition between the existing industrial uses south of East Main Street and the existing residential uses to the north, west and east.

Notwithstanding that the "Land Use Concept Map" in the Master Plan shows industrial along East Main Street, that map was referenced within the Master Plan as being "For Discussion Purposes Only" and does not in any event preclude alternative uses. As with any comprehensive planning document, the full text of the Master Plan should be used to determine its overall meaning, and not any one section is determinative.

### **Aesthetics**

In addition to land uses, the Master Plan also strongly supports urban design and aesthetic improvements, particularly along Main Street. "Because of haphazard mixed-use development, multiple sign styles and numerous curb cuts, East and West Main Street and Ellicott Street detract from the overall visual quality of the City. Bringing clarity and harmony to these areas would enhance the City's aesthetic character and create positive community gateways." (Master Plan, pg. I-4).

The City is encouraged to "implement design guidelines that reflect the current character of the East Main Street streetscape. Give special attention to landscaping, greenspace, on-site parking, and building setbacks." (Master Plan, pg. III-5). The project will be a significant improvement over the bland existing building at 665 East Main Street and will include environmentally responsible infrastructure, and communal gathering spaces, and designed according to the design principles of the Master Plan. DePaul will work closely with City staff and the Planning & Development Committee to design a building that is aesthetically pleasing and in keeping with the character of Main Street.

### **Economic Development**

The Master Plan also provides a detailed analysis of the City's economy and argues that land use controls are an important lever for encouraging economic development. Although some of the economic data may be out of date, the need for economic development in Batavia remains important. The project will constitute over \$25 million of investment, creating 200 construction jobs, 12 full time positions, and six part time positions.

In making its determination on the rezoning, City Council should consider not just the Land Use Concept Map, which is a fluid document, but all of the recommendations and goals set forth under the Master Plan in evaluating the wide range of land use, design, and economic development benefits offered by the Project. As explained above, many important sections of the Master Plan support the development of the Project on the site.

Jason Molino  
February 17, 2017  
Page 4

NIXON PEABODY LLP  
ATTORNEYS AT LAW

NIXONPEABODY.COM  
@NIXONPEABODYLLP

If the Land Use Concept Map was determinative, the all of the text of the Master Plan would be irrelevant, and no rezoning would ever be permitted. That is neither the intent nor an allowable interpretation of a municipal planning document. The proposed rezoning is thus appropriate under the current Master Plan and would benefit both the immediate neighborhood and the City. If you have any further questions, please do not hesitate to contact me.

Sincerely,



Daniel F. Brennan  
Associate

DFB/lab

cc: George Van Nest (Underberg Kessler)  
Ashley Champion, Esq.  
Jon Penna, Esq.  
Mark Fuller  
Joe Gibbs  
Gary Smith  
Gillian Conde





*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: 3/1/17

Re: 661, 665 and 679 East Main St.  
Tax Parcel No. 85.013-1-22, 85.013-1-23.1 and 85.013-1-24 respectively

Zoning Use District: I-1 (661 and 665) and R-2 (679 East Main)

The applicant, DePaul Properties Inc. (purchaser of the properties), has petitioned Batavia City Council to amend the zoning of the two parcels located at 661 and 665 East Main St. from I-1 industrial to R-3 residential.

The City of Batavia is recommending to amend the zoning of 679 East Main St. from R-2 residential to R-3 residential matching the proposed neighboring properties and establishing a conforming use for this existing non-conforming use property.

**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



**\* 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) 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, 665 and 679 East Main St.B. Nearest intersecting road Cedar St.C. Tax Map Parcel Number 85.013-1-22 85.013-1-23.1 85.013-1-24D. Total area of the property 6.83 acres Area of property to be disturbed 0E. Present zoning district(s) I-1 (661 and 665 East Main) R-2 (679 East Main)**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 and R-2 to R-3  
\_\_\_\_\_  
\_\_\_\_\_**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 drandall@batavianewyork.com





## City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager 

Date: February 8, 2017

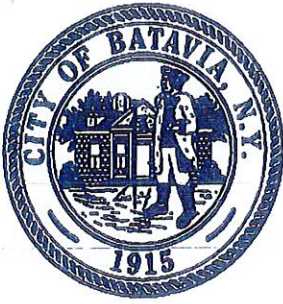
Subject: Zoning Amendment – 661,665 and 679 East Main Street

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.assr.usda.gov/complaint\\_filing\\_cust.html](http://www.assr.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.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)





# NIXON PEABODY

1300 CLINTON SQUARE  
ROCHESTER, NY 14604-1792  
585-263-1000

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: 665-26-8000	
		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			

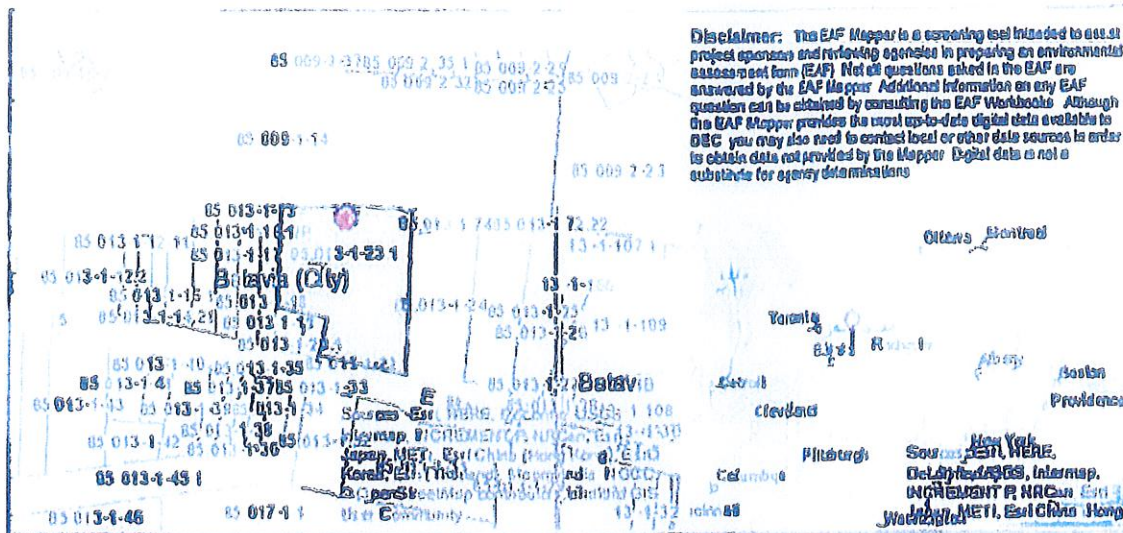
5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	



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 V08577) Remedial investigation began in 2004, remediation 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>		

## EAF Mapper Summary Report

Monday, January 23, 2017 11:28 AM



Part 1 / Question 7 [Critical Environmental Area]

Part 1 / Question 12a (National Register of Historic Places)

Part 1 / Question 12b (Archaeological Sites) Yes

Part 1 / Question 13a (Wetlands or Other Regulated Waterbodies) Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook

Part 1 / Question 15 (Threatened or Endangered Animal) No

Part 1 / Question 16 (100 Year Flood Plain) Digital mapping data are not available or are incomplete. Refer to EAF Workbook

Part 1 / Question 20 (Remediation Site) Yes

Wednesday, January 25, 2017 8:04 AM

Part 1 / Question 7 (Critical Environmental Area)	No
Part 1 / Question 12a (National Register of Historic Places)	No
Part 1 / Question 12b (Archaeological Sites)	Yes
Part 1 / Question 13a (Wetlands or Other Regulated Waterbodies)	No
Part 1 / Question 15 (Threatened or Endangered Animals)	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.

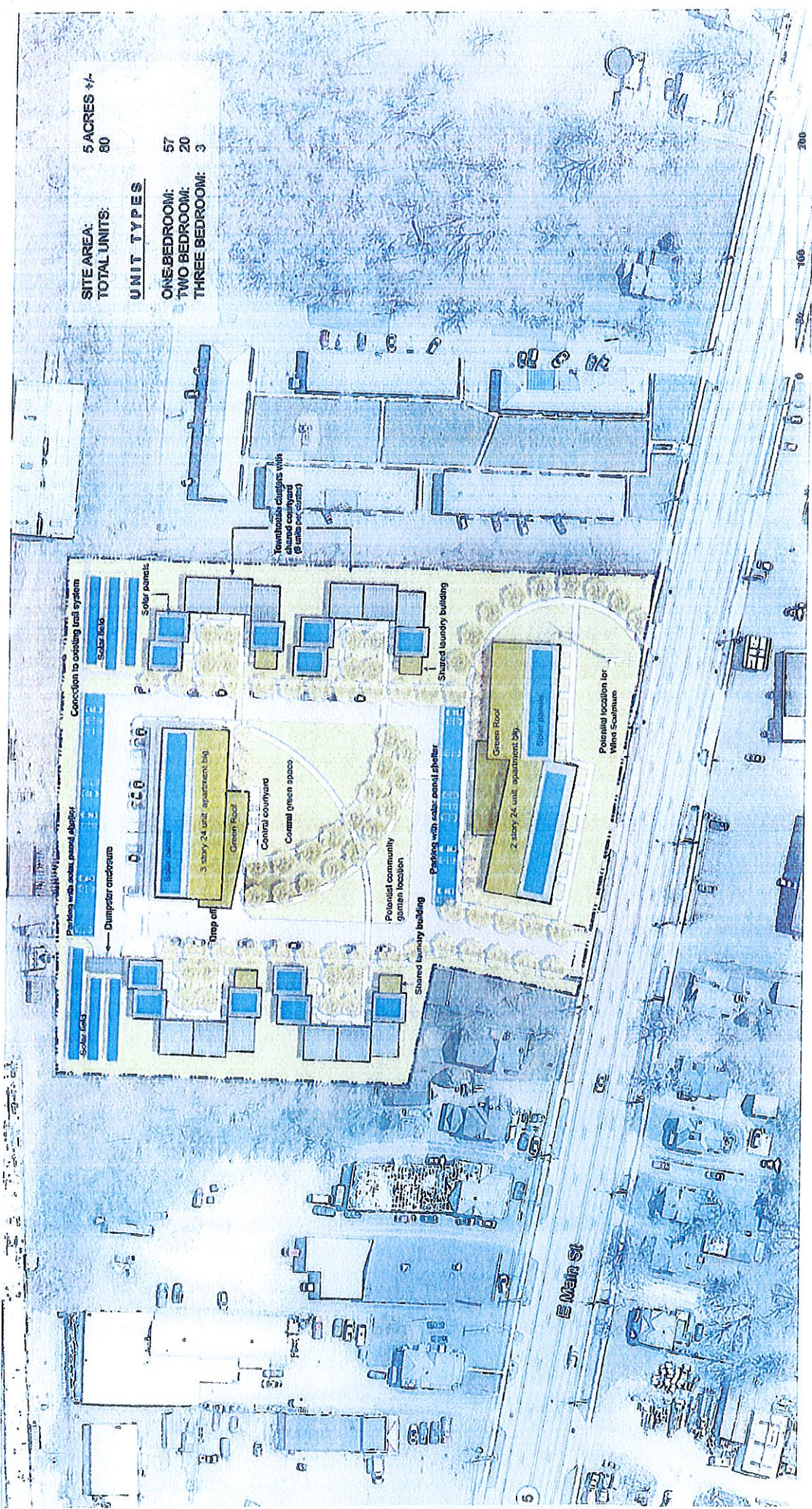
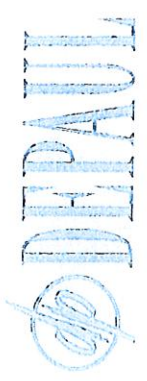
Intending to describe parcels of land designated as #661 East Main Street and #665 East Main Street, City of Batavia, being further identified as SBL# 085 130-01-23 1 & SBL# 085.130-01-22

# Exhibit D



SW  
BR

# DEPAUL BATAVIA APARTMENTS



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





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



# 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@bataviainewyork.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			



Page 2 of 3

<b>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)?</b> If Yes, explain purpose and size: _____ _____ _____	<b>NO</b> <input type="checkbox"/>	<b>YES</b> <input type="checkbox"/>
<b>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</b> If Yes, describe: _____ _____ _____	<b>NO</b> <input type="checkbox"/>	<b>YES</b> <input type="checkbox"/>
<b>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</b> 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"/>

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)



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"/>



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





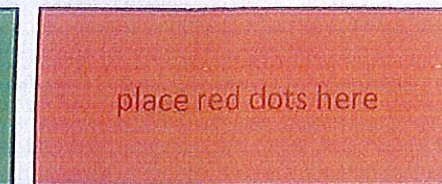
## Create pride and ownership within existing neighborhoods

Elevate the role of residents in improving the quality and stability of our neighborhoods

- The City should initiate the organization of neighborhood association's for all neighborhoods throughout the City
- Work with neighborhood associations to sponsor neighborhood-based events and festivals
- Create unique neighborhood signage celebrating the history and heritage of each neighborhood ●

I like it

Not for me



If you have further thoughts, please :

Neighborhood associations need to start with the residents, not the city. Encourage them, but don't initiate it. Money is better spent elsewhere.

We had 'Vibrant Batavia' but it seems like the City Council did not support this idea at that time.

Place Post-It Notes Here

Place Post-It Notes Here

I like it

Not for me



Investments in housing should strive to include a diverse range of housing types, creating a seamless integration of low income, workforce and market rate housing options throughout the City.

If you have further thoughts, please share here

Place Post-It Notes Here

make new high density apartments install sidewalks + lighting + trees

There is not enough mid salary housing in the city for renters. A lot of houses are owned by bad landlords. There is a reputation of "turning a blind eye" to it.







# City of Batavia Comprehensive Plan

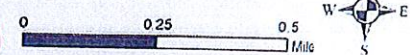
Draft Future Land Use Plan

DRAFT  
NOT FOR DISTRIBUTION

## Legend

- City Boundary
- Land Use Type
  - Agricultural
  - Commercial
  - Community Services
  - Industrial
  - Mixed Use
  - Parks, Recreation & Conservation Lands
  - Public Services
  - Residential - Low Density
  - Residential - Medium Density
  - Residential - High Density
  - Vacant Land
  - Unclassified

Existing Land Use



February, 2017 Sources: City of Batavia, NAIP 2013 Imagery, NYSITS

ELAN

Engineering and  
Land Surveying, P.C.



This map is intended for illustrative purposes only and is not suitable for engineering, surveying or legal purposes.

Form  
Based  
Code?

Existing Police Station  
on Transformational  
Neighborhood  
High Density Residential



# Station 4: how the Comprehensive Plan supports the City's Mission & Vision

draft  
"The Comprehensive Plan will ensure Batavia is a place of opportunity and prosperity; a proud community of families and neighbors planning for a sustainable future."

YES, I LIKE THE WAY IT SUPPORTS THE CITY'S MISSION & VISION	Place green dots here
YES, IT'S GOOD, BUT I HAVE SOME IDEAS TO MAKE IT BETTER. SEE MY NOTES AT RIGHT.	Place yellow dots here
NO, I DON'T THINK SO. I HAVE ANOTHER VERSION. SEE MY NOTES AT RIGHT.	Place red dots here

Share your comments below about how the Comprehensive Plan will support the City's Mission and Vision

Post-It Notes Here

ADA APARTMENTS

Mid-income Housing. Small family housing

Require owners of Vacant Stores on Main St + no BID to at least keep the property kept up. NOT look empty/misused

Yes!

Land Use - ~~update~~ zoning to match 21st century needs

We need Apartments For Handicapped

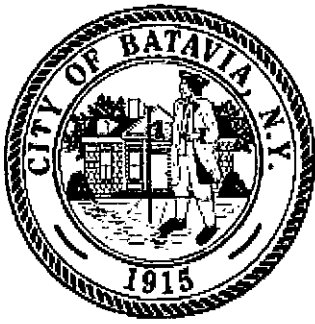
Better quality low income housing

Quality Low income Housing

2 boards that may as well say "we'll make things better" This is all just fluff.

make that 3 boards





*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: \_\_\_\_\_

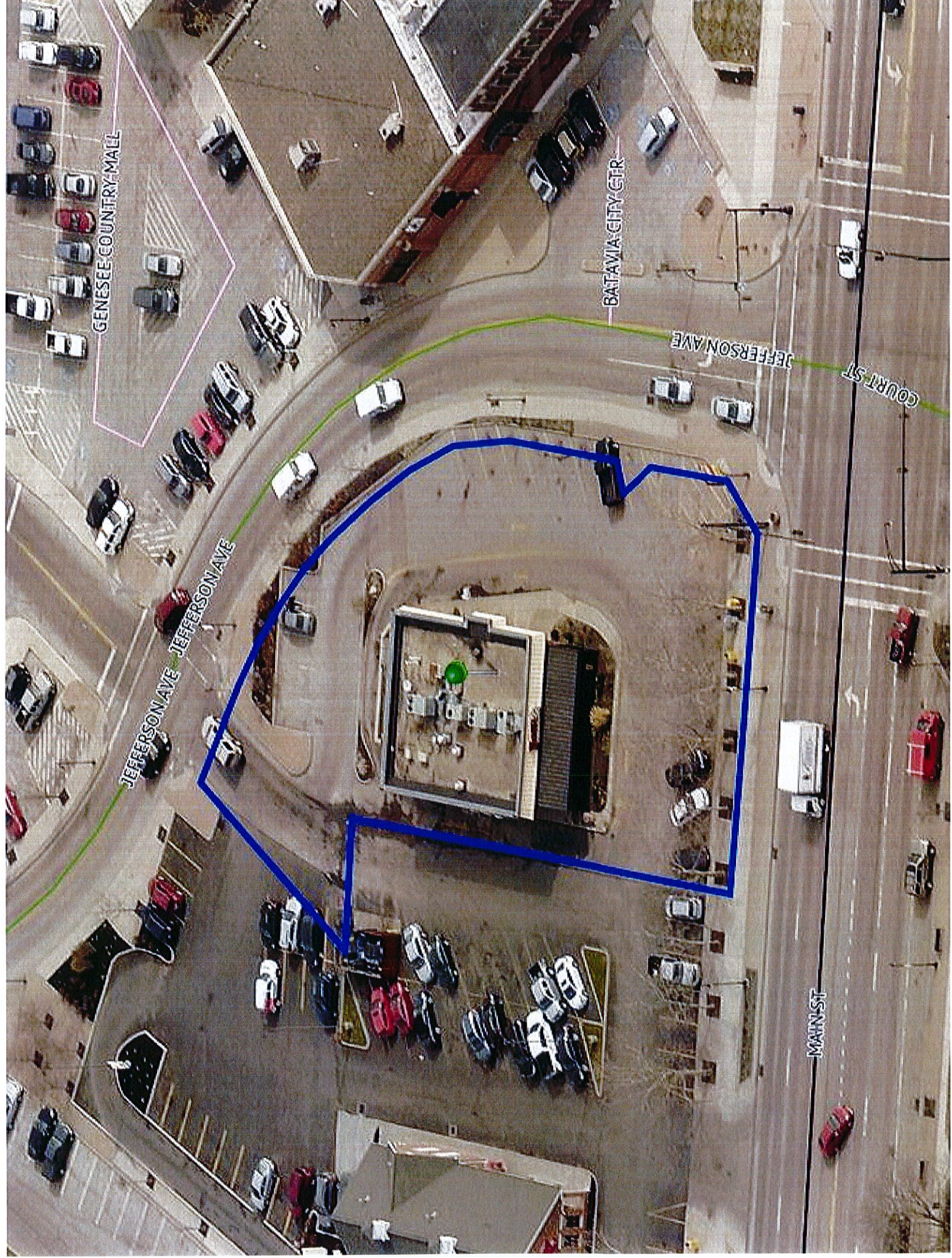
Existing Use: \_\_\_\_\_

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

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

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





GENESEE COUNTRY MALL

BATAVIA CITY CTR

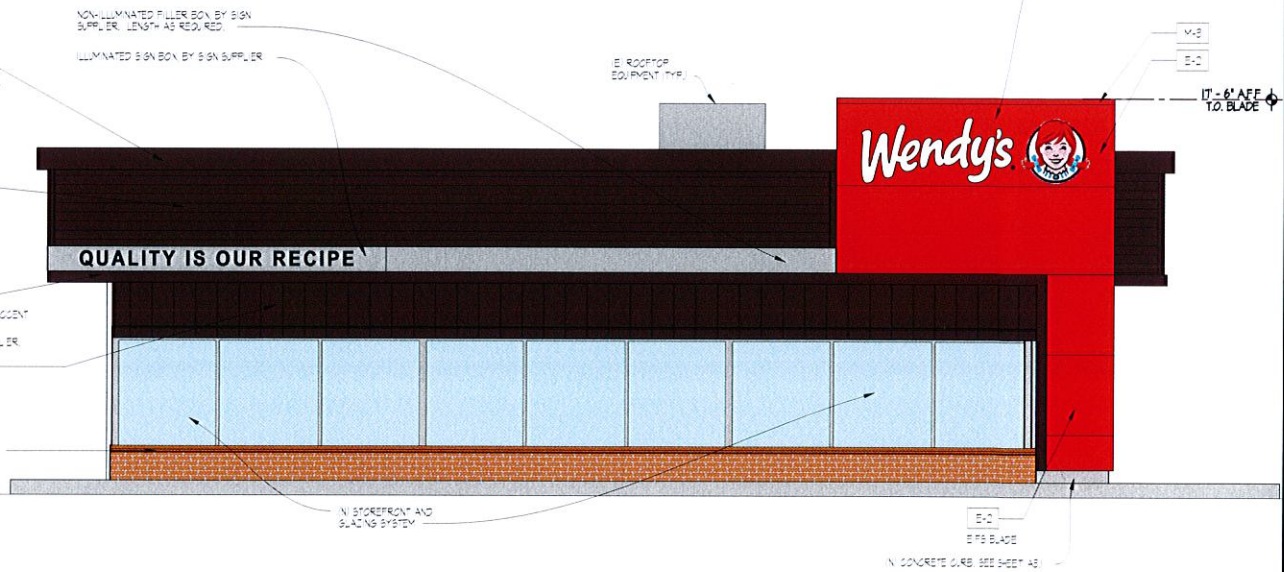
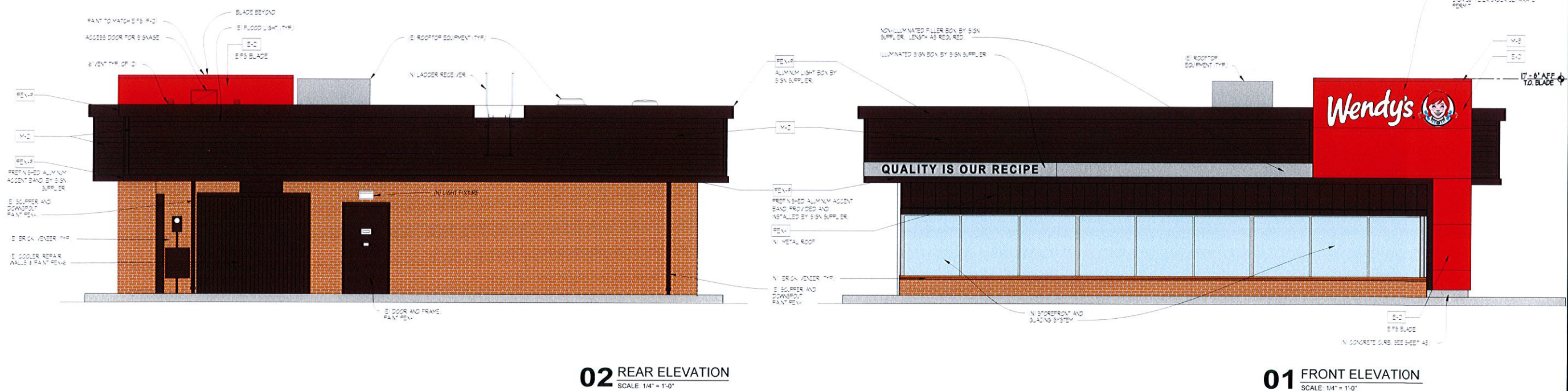
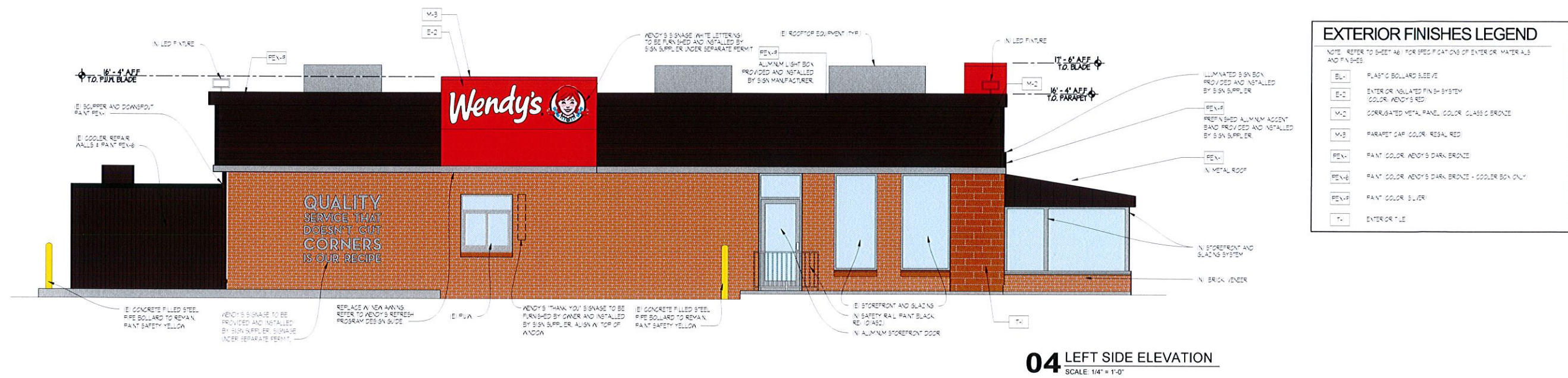
JEFFERSON AVE

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 BLUE/VE
BL-2	ENTER OR INSULATED FINISH SYSTEM COLOR: AENVO'S RED
M-2	CORRUGATED METAL PANEL, COLOR: CLASSIC BRONZE
M-3	PARAFLEX CAR, COLOR: RESAL RED
RE-1	PANT COLOR: AENVO'S DARK BRONZE
RE-4	PANT COLOR: AENVO'S DARK BRONZE - COOLER BOX ONLY
RE-5	PANT COLOR: SILVER
T-1	INTERIOR TILE

SITE NUMBER:	4269
BASE MODEL:	3076
ASSET TYPE:	FRANCHISE
CLASSIFICATION:	REFRESH
OWNER:	MUY 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: 972.929.9226  
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

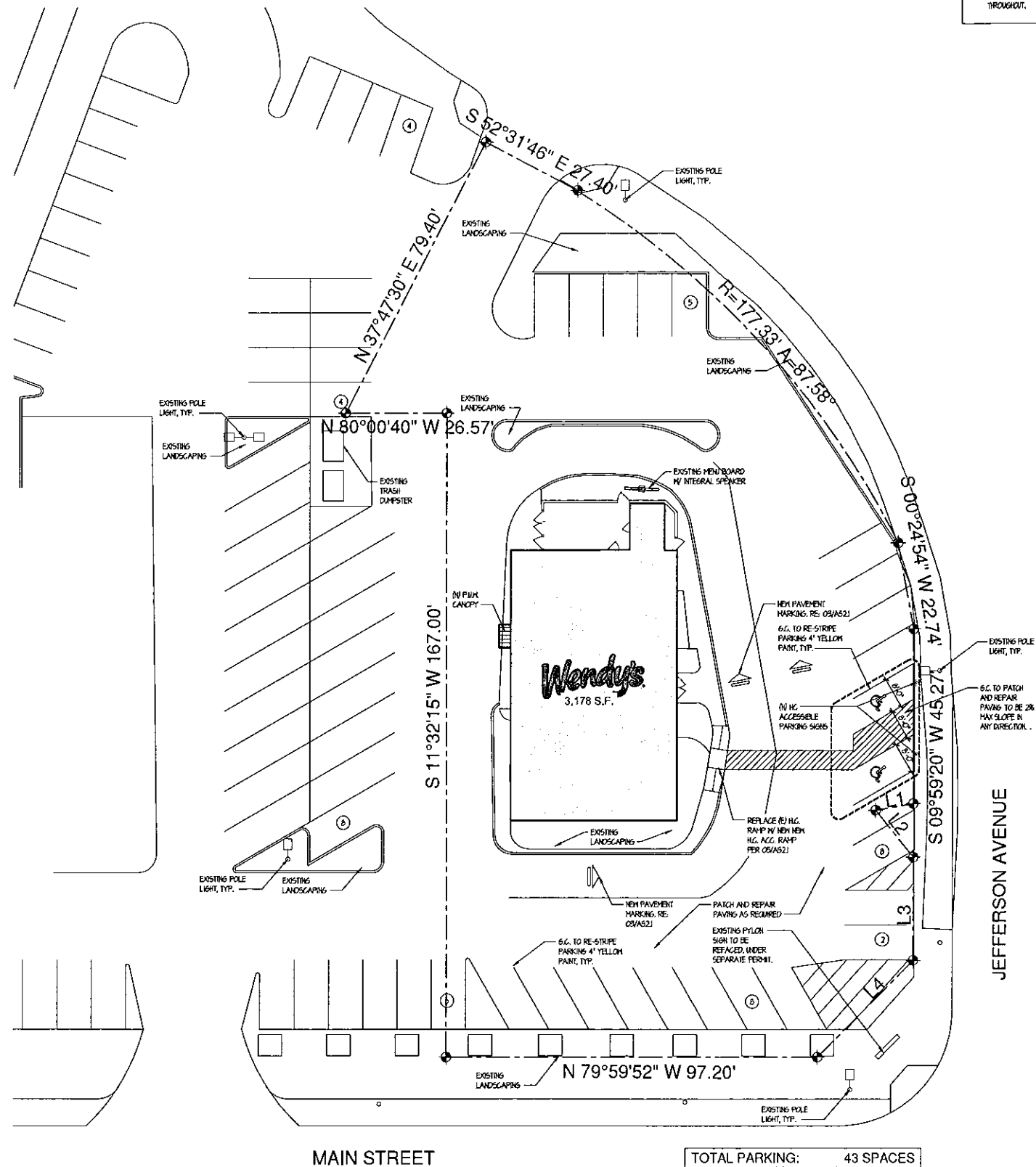
[illegible]

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**

01 ARCHITECTURAL SITE PLAN  
SCALE: 1/8" = 1'-0"

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 MEN'S SIGN	NF-12 EMPLOYEES ONLY
NF-4 NO SMOKING SIGN	NF-13 NEWMAN - DITA
	NF-14 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-PI 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, MAINTAIN (3) 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

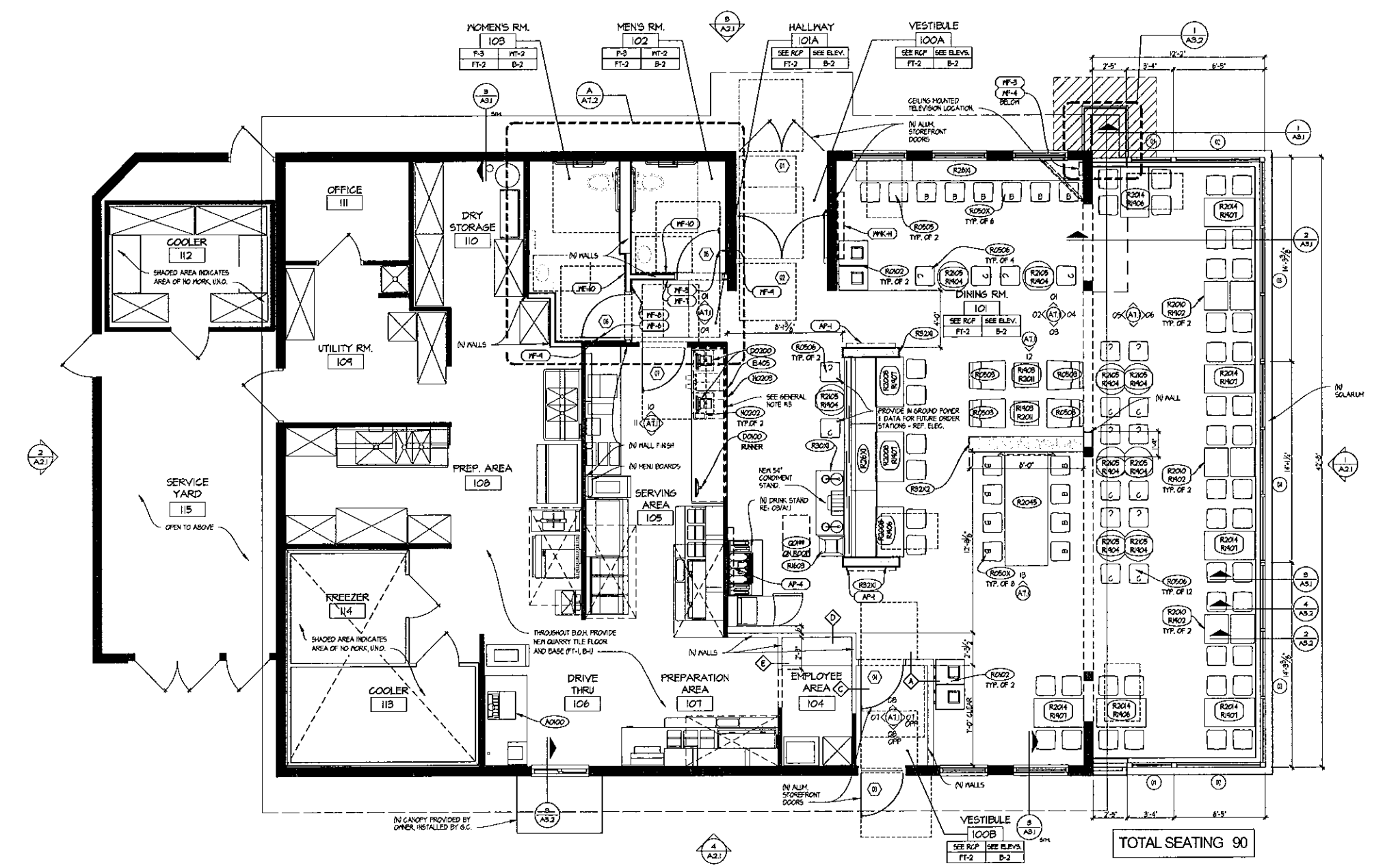
**Wendy's**  
# 04269  
44 MAIN ST.  
BATAVIA, NY 14020

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"







**GENESEE COUNTY PLANNING BOARD  
ZONING REFERRALS NOTICE OF FINAL  
ACTION**

GCDP Referral ID **C-05-BAT-2-17**

Review Date **2/9/2017**

Municipality  
Board Name  
Applicant's Name

**BATAVIA, C.**

**CITY PLANNING AND DEVELOPMENT COMM.**

**Irma Reiner**

Referral Type  
Variance(s)

**Downtown Design (Site Plan) Review**

Description:

**Downtown Design (Site Plan) Review to make exterior changes to an existing drive-thru restaurant (Wendy's).**

Location  
Zoning District

**44 Main St. (NYS Rts. 5 & 33), Batavia**

**Central Commercial (C-3) District**

**PLANNING BOARD DECISION**

**APPROVAL**

**EXPLANATION:**

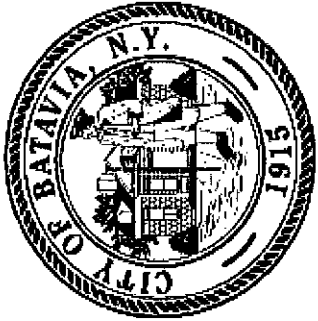
**Given that the sign package is not part of this application, the proposed exterior changes should pose no significant county-wide or inter-community impact.**

Director

February 9, 2017

Date

If the County Planning Board disapproved the proposal, or recommends modifications, the referring agency shall NOT act contrary to the recommendations except by a vote of a majority plus one of all the members and after the adoption of a resolution setting forth the reasons for such contrary action. Within 30 days after the final action the referring agency shall file a report of final action with the County Planning Board. An action taken form is provided for this purpose and may be obtained from the Genesee County Planning Department.



*City of Batavia*  
***Department of Public Works***  
***Bureau of Inspections***  

---

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

To: Planning and Development Committee  
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 3/10/17

Re: 115 Washington Ave.  
Tax Parcel No. 84.041-1-25

Zoning Use District: R-3

The applicant, Robert Gerace (Real Estate Agent) for owner (Dr. Sadeqh Danesh), has filed two applications to change the present uses of this existing mixed used building located within the R-3 (Residential) use district.

The first floor use would change from a physician's office to an Attorney's Office with the issuance of a required Special Use Permit.

The second floor use would change from a permitted use single dwelling unit to a Land Surveyor's Office with authorization of a zoning use variance.

**Review and Approval Procedures:**

**City Planning and Development Committee-**

**Special Use Permit:**

Pursuant to section 190-37 of the zoning ordinance, the Planning and Development Committee may authorize Special Use Permits.

BMC 190-10 C (2) Offices for attorneys, physicians and/or dentists, not exceeding four offices in a single building are permitted uses in the R-3 use district with the issuance of a Special Use Permit.

The following standards serve as a guide for the purpose of reviewing special use applications;  
BMC 190-37 B (1-8) and 190-37 K (1-14).

**Use variance:**

Pursuant to section 190-49 C. of the zoning ordinance, applications for variances that include non-permitted uses shall be referred to the PDC for recommendation to the ZBA.

BMC 190-10 The use of Land Surveyor's Office is not an approved use within the R-3 (Residential) use district.



**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- Use**

BMC Sec. 190-10 The use of Land Surveyor's Office is not an approved use within the R-3 (Residential) use district.

The ZBA will be the lead agency to conduct SEQOR.



PERMIT NO. \_\_\_\_\_

# SPECIAL USE PERMIT

## CITY OF BATAVIA, NEW YORK

LOCATION: 115 Washington Ave  
OWNER: SADegh Danesh  
Address: \_\_\_\_\_

Application Date: 3/16/17  
Tax Parcel No.: 84-644-1-a5  
Phone No.: \_\_\_\_\_

No COUNTY PLANNING REVIEW

No ZONING VARIANCE REQUIRED

R-3 ZONING DISTRICT

No HISTORIC DISTRICT

No FLOOD ZONE

No HISTORIC LANDMARK

No CORNER LOT

No CITY ENGINEER REVIEW

No SITE PLAN REVIEW

No CITY COUNCIL REVIEW

No BID

\_\_\_\_ OTHER

PROJECT DESCRIPTION:

The 1st Floor of the Property  
To Be used as an Attorneys Office.  
Bmc 190-10. c.(2) - Attorney office is an approved use with issuance of a  
special use permit.

EXISTING USE: Dr. Office

PROPOSED USE: Attorney Office

N.Y.S. BLDG. CODE OCC. CLASS: \_\_\_\_\_

N.Y.S. BLDG. CODE OCC. CLASS: mixed B4/Fam.

LOT SIZE: 48x190

LOT AREA: 9,120 sq. ft.

CITY PLANNING & DEVELOPMENT REVIEW:

\_\_\_\_ APPROVAL AS PRESENTED \_\_\_\_ DISAPPROVAL \_\_\_\_ APPROVAL WITH CONDITIONS

CHAIRMAN SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

<u>Sadegh Danesh</u>	<u>3-6-17</u>	_____
Applicant Signature	Date	Issuing Officer
Permit Fee: _____		Issue Date: _____





# CITY OF BATAVIA

## APPLICATION TO THE ZONING BOARD OF APPEALS

PAID

MAR 15 2017

Application No.: 17-01  
Hearing Date/Time: \_\_\_\_\_

### APPLICANT:

Robert Goran  
Name 103 Elm St.  
Street Address Batavia  
City NY  
State 14020  
Zip 585-813-4902  
Phone 14020  
Fax 14020  
E-Mail Address DonTGoleFTE@gmail.com

### STATUS:

\_\_\_\_ Owner X Agent for Owner \_\_\_\_\_ Contractor

### OWNER:

Sadegh Danesh  
Name 115 Washington Ave  
Street Address Batavia  
City NY  
State 14020  
Zip 739-7343  
Phone 14020  
Fax 14020  
E-Mail Address DonTGoleFTE@gmail.com

### LOCATION OF PROPERTY:

115 Washington Ave Batavia NY

### DETAILED DESCRIPTION OF REQUEST:

To Allow 2nd Floor of Building  
To Be Used As Surveyor Office. Also 1st  
Floor to Be Used As Attorney Office.

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

### Applicant's Signature

Robert Goran

Date

3-6-17

### Owner's Signature

Sadegh Danesh

Date

3/6/17

To be Filled out by Zoning Officer

TAX PARCEL: 84.041-1-25

ZONING DISTRICT: R-3

FLOOD PLAIN: NO

### TYPE OF APPEAL:

\_\_\_\_ Area Variance  
☒ Use Variance  
\_\_\_\_ Interpretation  
\_\_\_\_ Decision of Planning Committee

FEE: \_\_\_\_\_  
\_\_\_\_ \$50 (One or Two Family Use)  
☒ \$100 (All other Uses)

Provision(s) of the Zoning Ordinance Appealed: BMC 190-10 Use of the second floor

Occupancy for Surveyor's Office is not an approved principal use or  
permitted use with a special use permit within the R-3 use dist.

**Appendix B**  
**Short Environmental Assessment Form**

**Instructions for Completing**

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

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

**Part 1 - Project and Sponsor Information**

Name of Action or Project: <i>115 WASHINGTON AVE - PROPOSED OFFICE USE</i>		Telephone: <i>585-813-4902</i>	
Project Location (describe, and attach location map): <i>115 WASHINGTON AVE BADAVIA NY 14020</i>		E-Mail: <i>BOBACE@GEMACEPCENTRY.COM</i>	
Brief Description of Proposed Action: <i>TO ALLOW 1ST FLOOR ATTORNEY OFFICE AND 2ND FLOOR SURVEYOR OFFICE -</i>			
Name of Applicant or Sponsor: <i>Robert Gerace</i>	Address: <i>103 Elm Street</i>	City/PO: <i>Badavia</i>	State: <i>NY</i> Zip Code: <i>14020</i>
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	YES
		<i>X</i>	<i>X</i>
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	YES
		<i>X</i>	
3.a. Total acreage of the site of the proposed action? <i>.20</i> acres			
b. Total acreage to be physically disturbed? <i>0</i> acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <i>.20</i> 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 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? b. Consistent with the adopted comprehensive plan?		NO	YES	N/A
		X		
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?			NO	YES
				X
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____			NO	YES
			X	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			NO	YES
			X	
				X
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	YES
				X
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____			NO	YES
				X
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____			NO	YES
				X
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?			NO	YES
			X	
			X	
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? 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: _____			NO	YES
			X	
			X	
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	YES
			X	
16. Is the project site located in the 100 year flood plain?			NO	YES
			X	
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 checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <u>Existing Systems</u>			NO	YES
				X



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
	X	
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
	X	
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: _____	NO	YES
	X	

**I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: Robert J. Gerace Date: 3-6-17

Signature: [Signature] (Dm)

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2.** 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?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
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?		
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?		
7. Will the proposed action impact existing: <div style="margin-left: 20px;">             a. public / private water supplies?              b. public / private wastewater treatment utilities?           </div>		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		



	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** 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) _____

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? 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.

<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.
<hr/>	
Name of Lead Agency	Date
<hr/>	
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<hr/>	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

## Use Variance Application

### Statement of Unnecessary Hardship

In order for the Zoning Board of Appeals to grant a use variance, an applicant must show documentation in the record that the restrictions of the Zoning Ordinance has caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the Zoning Ordinance for the particular district where the property is located, that all four (4) requirements as per §81-b of the General City Law have been proven. Additional documentation may be included. If any one of these requirements have not been proven, the Zoning Board of Appeals must deny the variance, as per §81-b of the General City Law.

Explain how the request conforms to EACH of the following requirements (additional pages may be attached):

1. **Reasonable Return.** The subject property is not capable of yielding a reasonable rate of return if used for its present use or developed, redeveloped or used for any other use permitted in the district in which such property is located. There is no means other than the granting of the variance by which the property can yield a reasonable return. Such inability to yield a reasonable return must be shown by specific fact (dollars and cents) from an expert or authority in economic deprivation, not the unsupported opinion of the owner or those appearing for the owner.

*“The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence”*

---

The proposed use of the building is for (2) owner occupied office spaces. There will be no income produced from them.

---

---

---

(Please provide / attach competent financial evidence)

2. **Unique Hardship.** The inability to yield a reasonable return results from a unique circumstance peculiar to the subject property which does not apply to or affect other properties in the immediate vicinity that are subject to the same regulations. The personal situation of the owner shall not be considered unique.

*“The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood”*

---

A surveyors office is not listed as a permitted use. Why? This is for an office of attorney/surveyor with less foot traffic than it would be if it were (2) doctors offices being used on the property at the same time.

---

---

---



3. **Essential Character of the Neighborhood.** The granting of the variance will not be materially detrimental to the public health, safety, and welfare or injurious to the enjoyment, use or development of neighboring properties or the community. Applicant must demonstrate that the proposed use will not change the essential character of the neighborhood with regard to such physical and environmental elements such as parking, traffic, signage, landscape, architectural and structural features, location and dimensions of buildings, any by-products of proposed use such as noise or smoke, and any other impacts upon adjacent or neighboring lands.

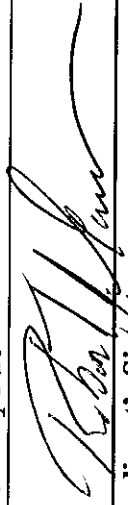
*“The requested use variance, if granted, will not alter the essential character of the neighborhood”*

The requested use as an attorneys office and 2nd floor surveyors office will have no impact on the neighborhood as to additional foot traffic or parking issues. The property has approximately 6 parking spaces there is also on street parking available. There are presently many other office spaces and doctors/dentists/attorneys offices in the area.

4. **Not Self-Created.** The inability to yield a reasonable return is not the result of any action by the owner or predecessors in title. The applicant must show that when the property was purchased the zoning restrictions from which a use variance is now sought were not in existence or that some other change or factor has occurred that has resulted in an inability to yield a reasonable return. Otherwise, the hardship is self-created.

*“The alleged hardship has not been self-created”*

The proposed use of the building is in line with permitted uses. -As like kind-etc. Our claim to this is that the current code 190-10 (R3) needs to be amended to allow more discretion as to what permitted uses should be allowed so not to inhibit reasonable use for office space doctors/dentists, etc. Thank you.



**Applicant's Signature**

03/06/2017

**Date**

**Provider of Financial Evidence**

**Date**

## USE VARIANCE

### Statement of Income and Expense

*All Entries Must be Completed and Documented for at Least Two (2) Calendar Years  
or From the Date of Purchase Whichever is Less*

PROPERTY ADDRESS: 115 Washington Avenue, Batavia, NY 14020

#### A. PROPERTY DATA

1. Date property was purchased by current owner \_\_\_\_\_  
2. Was a Certificate of Occupancy issued? 01/29/2004  
Date of Issuance? \_\_\_\_\_  
If so, for what use(s)? \_\_\_\_\_  
If not, why? \_\_\_\_\_

3. Cost of Purchase \$77,000

4. a) Amount of Mortgage \_\_\_\_\_ Interest Rate \_\_\_\_\_  
Mortgage Holder \_\_\_\_\_ Duration \_\_\_\_\_  
Address \_\_\_\_\_

b) Amount of Mortgage \_\_\_\_\_ Interest Rate \_\_\_\_\_  
Mortgage Holder \_\_\_\_\_ Duration \_\_\_\_\_  
Address \_\_\_\_\_

c) Amount of Mortgage \_\_\_\_\_ Interest Rate \_\_\_\_\_  
Mortgage Holder \_\_\_\_\_ Duration \_\_\_\_\_  
Address \_\_\_\_\_

5. Is the property for sale? Yes \_\_\_\_\_  
If so, for how long One Month  
Asking price \$125,000  
For what use(s) Doctors office/Lower, Apartment/Upper  
Have any offers been received One offer  
If so, for what amount(s) \_\_\_\_\_

Summarize any attempts to sell the property This has been the first  
attempt to sell the property. \_\_\_\_\_

6. Present value of property \$102,000  
Source(s) Tax records - Assess Value



**B. GROSS ANNUAL INCOME [BASED ON PERMITTED USE(S)]**

USE	INCOME
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
TOTAL RENTAL INCOME	
LESS VACANCY FACTOR	
(Attach explanation if greater than 8%)	
TOTAL GROSS INCOME	

**C. ANNUAL EXPENSES**

1.	<u>Annual Fixed Charges</u>	
	Real Estate Taxes (City & County)	
	Insurance	
	Average Annual Interest (over next 5 years)	
2.	<u>Operating Expenses</u>	
	Electric	
	Fuel	
	Water	
	Advertising	
	Miscellaneous (attach explanation)	
3.	<u>Maintenance Expenses (attach list)</u>	
	Repairs	
	General Building Maintenance	
	Yard and Ground Care	
	Miscellaneous	
TOTAL ANNUAL EXPENSES		
Profit or Loss		

**D. TOTAL INVESTMENT**

- 1. Downpayment
- 2. Capital Improvements (attach list)
- 3. Principal Paid to date (original mortgage less current principal balance)


TOTAL INVESTMENT  
(Sum of D1, D2, & D3)

--

**E. RATE OF RETURN = Profit or Loss**

TOTAL INVESTMENT

--

**Signature of Preparer**

--

**Date**

--

**Profession of Preparer**

--



115 Washington Ave, Batavia, NY 14020-2112, Genesee County

Owner Information

Owner Name: Danesh Sadegh

Owner Name 2:

Do Not Mail:

Owner Occupied: Yes

Tax Billing Address: 115 Washington Ave

Tax Billing City & State: Batavia, NY

Tax Billing Zip: 14020

Tax Billing Zip+4: 2112

Location Information

School District: 180200

School District Name: Batavia

Subdivision:

Township : Batavia

Census Tract: 9506.00

Carrier Route: C015

Zoning: R-

Assessment District : C

Location Influence : 09/16/1982

Flood Zone Code: 3602790001B

Flood Zone Date:

Flood Zone Panel:

Tax Information

Tax ID : 180200-084-041-0001-025-000% Improved: 75%

Alt. Tax ID : 180200A0840410001025000

Lot # : 25

Block # : 1

Legal Description: 127 005785A

SWIS Code : 180200

Tax Appraisal Area: 0200

Assessment & Tax

Assessment Year 2016

Assessed Value - Total \$102,000

Assessed Value - Land \$25,000

Assessed Value - Improved \$77,000

YOY Assessed Change (\$) \$0

YOY Assessed Change (%) 0%

Market Value - Total \$102,000

Market Value - Land \$25,000

Market Value - Improved \$77,000

Exempt Building Value

Exempt Land Value

Exempt Total Value

2014

\$102,000

\$25,000

\$77,000

\$0

0%

\$102,000

\$25,000

\$77,000

Characteristics

Land Use - State : 2 Family Resid

Land Use - CoreLogic : Duplex

Lot Acres: 0.1

Lot Sq Ft: 4,356

Lot Frontage: 48

Lot Depth: 190

Total Units:

Total Buildings:

Building Type:

Parking Type:

No. Parking Spaces:

Garage Type:

Garage Capacity:

Garage Sq Ft:

Style:

Stories:

Year Built: MLS: 1

Effective Year Built: MLS: 1940

Building Sq Ft: MLS: 1,200

Above Grade Sq Ft:

Ground Floor Sq Ft :

2nd Floor Sq Ft :

Gross Sq Ft: MLS: 1,700

Bedrooms:

Total Baths:

Full Baths:

Half Baths:

Total Rooms:

Basement Type:

Basement Sq Ft:

Finished Basement Sq Ft :

Fireplaces:

Heat Type:

Heat Fuel Type:

Cooling Type:

Electric Service Type:

Other Rooms:

Exterior:

Condition:

Quality:

Patio Type:

Patio/Deck 1 Sq Ft :

Patio/Deck 2 Sq Ft :

Porch:

Porch 1 Sq Ft:

Pool:

Pool Size:

Water:

Sewer:

Type Unknown

Commercial

Commercial

Features

Feature Type Unit

Size/Qty

Width

Depth

Year Built

Value

Building Description

Building Size

Estimated Value

RealAVM™ (1): **\$102,228** Confidence Score (2): **67**  
RealAVM™ Range: **\$79,738 - \$124,718** Forecast Standard Deviation (3): **22**  
Value As Of: **01/27/2017**

(1) RealAVM™ is a CoreLogic® derived value and should not be used in lieu of an appraisal.  
(2) The Confidence Score is a measure of the extent to which sales data, property information, and comparable sales support the property valuation analysis process. The confidence score range is 60 - 100. Clear and consistent quality and quantity of data drive higher confidence scores while lower confidence scores indicate diversity in data, lower quality and quantity of data, and/or limited similarity of the subject property to comparable sales.  
(3) The FSD denotes confidence in an AVM estimate and uses a consistent scale and meaning to generate a standardized confidence metric. The FSD is a statistic that measures the likely range or dispersion an AVM estimate will fall within, based on the consistency of the information available to the AVM at the time of estimation. The FSD can be used to create confidence that the true value has a statistical degree of certainty.

Listing Information

MLS Listing # : **R1020107** MLS Orig. List Price : **\$1,200**  
MLS Status : **A-Active** MLS Contingency Date:  
MLS Area : MLS Pending Date:  
MLS D.O.M : **25** MLS Sale Date :  
MLS Status Change Date : **01/10/2017** MLS Sale Price:  
MLS Listing Date : **01/10/2017** MLS Withdrawn Date:  
MLS Current List Price : **\$1,200**

MLS Listing # R318189 B440293  
MLS Status X-Expired S-Closed/Rented  
MLS Listing Date 08/10/2016 10/11/2013  
MLS Listing Price \$1,200 \$800  
MLS Orig Listing Price \$1,200 \$1,000  
MLS Sale Date 02/24/2014  
MLS Sale Price  
MLS Expiration Date 12/31/2016 04/11/2014  
MLS Withdrawn Dat 12/31/2016 02/28/2014

Last Market Sale & Sales History

Recording Date: **01/29/2004** Owner Name 2:  
Sale Date : **01/29/2004** Seller:  
Sale Price: **\$77,000** Document Number:  
Price Per Square Feet: Deed Type:  
Owner Name: **Danesh Sadegh**

**Danosos Douglas A**  
**830-161**  
**Warranty Deed**

Recording Date 01/29/2004  
Sale/Settlement Date 01/29/2004  
Sale Price \$77,000  
Nominal  
Buyer Name Danesh Sadegh  
Buyer Name 2  
Seller Name Danosos Douglas A  
Document Number 830-161  
Document Type Warranty Deed

Mortgage History

Mortgage Date  
Mortgage Amount  
Mortgage Lender  
Mortgage Type

Foreclosure History

Document Type  
Default Date  
Foreclosure Filing Date  
Recording Date  
Document Number  
Book Number  
Page Number  
Default Amount  
Final Judgment Amount  
Original Doc Date  
Original Document Number



Courtesy of Robert Gerace, New York State Alliance MLS

The data within this report is compiled by CoreLogic from public and private sources. If desired, the accuracy of the data contained herein can be independently verified by the recipient of this report with the applicable county or municipality.

Property Detail



**Robert Gerace**  
 Real Estate Broker - Gerace Realty, LLC  
 Office: 585-813-4902  
 Cell: 585-813-4902  
 Fax: 585-343-0915  
[Rgerace@geracerealty.com](mailto:Rgerace@geracerealty.com)



MLS#: **R1026234**  
**115 Washington Ave**  
 County: **Genesee** Zip: **14020**  
 Town: **Batavia-City** Pstl City: **Batavia**  
 Area #: **Batavia-City-180200**  
 Subdivision: **180200-084-041-0001-025-000**  
 City Nghbrhd: **Batavia**  
 School Dist: **Batavia High**  
 High School: **Batavia High**  
 Middle School: **Normal**  
 Elem School: **Normal**  
 Type of Sale: **Normal**

A-Active  
 Multi-Family Res (2-4) units  
 VR Pricing: **No**  
 List Price: **\$125,000**  
 Sale Price:  
 Sell Concess:  
 Cross St: **Bank Street**  
 Acres: **0.10**  
 Lot Front: **48**  
 Lot Depth: **190**  
 Lot Shape: **Rectangular**  
 Lot #: **2,700**  
 Year Built: **1940**  
 Yr Blt Desc: **Existing**  
 # Photo: **25**  
 # Attach: **1**

Listing Office Information

Offc Name: **Gerace Realty, LLC (GER01)**  
Offc Addr: **6 Ellicott Avenue**  
**Batavia, NY 14020**  
LA Name/ID: **Robert J. Gerace (10606)**  
LA Email: **Rgerace@geracerealty.com**  
LA Dir Phone/Fax: **585-813-4902/585-343-0915**  
Owner Name: **Sadegh Danesh**  
Owner 2:  
Owner Addr: **115 Washington Ave**  
**Batavia, NY 14020**  
Listing Type: **Exclusive Right To Sell** Spc Conditions: **No**  
Service Type:  
Negotiation w/: **Listing Broker Only**  
Show Appt/Desc: **585-813-4902/Agent;Call List Agent for Showing Instructions, Owner Occupied**  
Private Rmks: **Owner occupied upper apartment.**  
Branded VT:  
Unbranded VT:  
Sub Board: **Rochester**

Lot Info: **Commercial Zoning**  
Exterior Constr: **Vinyl**  
Rent Includes: **No Utilities**  
Attic: **Full, Stair Access, Unfinished**  
Basement: **Exterior Walkout, Full**  
Foundation: **Block, Stone**  
# Apartment: **2**  
# Elec Mtr: **1**  
# Gas Mtr: **1**  
# Heat Un: **2**  
# Stories: **2.5**  
# Gar Sp: **0.0**

General Information

Type of Res: **Duplex, Mixed Use**  
Prk/Driveway: **2 or More Spaces, Blacktop, Parking Area**



On Wtrfrnt: **No** Desc: Footage: Riparian Rgts: **No** Island Name: **No**

Unit Information

**Apt 1**  
Studio? **No** Living Rm: **12X12** Dining Rm: **10X10** Kitchen: **14X13** BR 1: **12X13** BR 2: **11X12** BR 3: **11X12**  
# Beds: **2** # Baths: **1/0** # Rooms: **5** Rent: **\$0** Own Occ: **Yes**  
Features: **Dining Area With Living Room, Eat-In Kitchen, Living Room**  
Appliances: **Dishwasher, Oven/ Range, Refrigerator, Microwave**  
Type of Tenancy: **Owner Occupied**

**Apt 2**  
Studio? **No** Living Rm: Dining Rm: Kitchen: BR 1: BR 2: BR 3:  
# Beds: **0** # Baths: **1/1** # Rooms: **7** Rent: **\$1,200** Own Occ: **No**  
Features: **Other - See Remarks, Porch**  
Appliances:  
Type of Tenancy: Lease Expires:

**Public Remarks:** **Move - in Condition - Office space.. Has been used for Doctors office with 2 exam rooms, 2 office areas, break room , 2 waiting rooms, enclosed rear entrance ramp. Paved private parking lot. 2 entrances. Convenient location for Downtown office. Attorneys, Dentist, Etc. \* 1st floor doctors office etc. and 2nd floor owner occupied, 2 bedroom apartment. Building is set up for 2 gas meters and 2 electric meters. But only using one meter each currently. Owner willing to lease 1st floor office space. See MLS # R1020107**

**Directions:** **From Bank Street: Left onto Washington Ave. Property is on the right side**  
**Interior & Exterior Features**  
**Appliances:** **Dishwasher, Microwave, Negotiable, Oven/Range Gas-Some, Refrigerator**  
**Features:** **Ceiling Fan, Circuit Breakers - Some, Copper Plumbing - Some, Laundry- Separate Hook ups- Some, Natural Woodwork - some**  
**Add'l Exterior Features:** **Partially Fenced Yard, Private Yard - see Remarks, Thermal Windows - Some**  
**Features:** **Accessible/ANSI - some, Adaptable Home - some, No Step Entry, Ramp**  
**Floor:** **Vinyl-Some, Wall To Wall Carpet-Some**

**HVAC Type:** **AC-Central, Forced Air**  
**Heating Fuel:** **Gas**  
**Water Htr Fuel:** **Gas**  
**Type of Well:** **None**  
**Separate Util:**  
**Utilities Information**  
**Sewer:** **Sewer Connected**  
**Water:** **Public Connected**  
**ENERGY STAR®**  
**Qualified:**  
**Well Location:**

Financial Information

**Possible Fin:** **Cash, Conventional**  
**Operating Exp:** **Other - See Remarks**  
**Gross Income:**  
**1st Mtg Bal:** **\$0**  
**2nd Mt Bal:** **\$0**  
**Orig. List Price:** **\$125,000**  
**PriceChg Time:**  
**Anal Op Exp:** **\$125,000**  
**Escrow Agt/Bnk:** **Gerace Realty LLC/M & T Bank**  
**Anal Spc Assess:** **\$0**  
**Assess Val:** **\$102,000**  
**City/Vil Tax:** **\$940**  
**School Tax:** **\$2,427**  
**Total Taxes:** **\$4,371**  
**Net Op Inc:** **\$1,004**  
**Town/Cnty Tax:**

Type Tenancy:	Not Required
Cert of Occup:	
Fax Info:	
Possession:	After Closing
Internet:	Yes
Inet St Addr:	Yes
IDX:	Yes
AVM:	Yes
Blog:	No
Realtor.com:	Yes
MLS#:	R1026234
Gerace Realty, LLC	
6 Elllicott Avenue Batavia, NY 14020	
NY Licensed Assoc. R.E. Broker	
Listing content is subject to copyright and license agreements, and may only be used as permitted by MLS rules, regulations, and policies. Listing content is not guaranteed accurate by the MLS Monday, March 6, 2017	



8:29 AM

ecode360.com

 Print  @   Get Updates  Search  Selected

## § 190-9 R-2 Residential Districts.

### § 190-10 R-3 Residential Districts.

In R-3 Residential Districts, no building or structure shall be erected, altered or extended, and no land, building or structure or part thereof shall be used for other than one or more of the following uses:

#### A. Permitted principal uses.

- (1) Any principal use permitted in R-2 Residential Districts.
- (2) Fraternity, sorority, dormitory, club house, except a club the chief activity of which is a service customarily carried on as a business.
- (3) Private nursery school or kindergarten.

#### B. Permitted accessory uses.

- (1) Such accessory uses as are customarily incidental to the above uses including home occupations and home professional uses subject to the provisions of § 190-35.
- (2) Off-street parking, subject to the provisions of § 190-39.
- (3) Signs subject to the provisions of § 190-43.

#### C. Uses permitted with special use permits.

- (1) Municipal or public utility structures or facilities when necessary for the service of a neighborhood and of a kind and character in keeping with the residential character of the neighborhood.
- (2) Offices for attorneys, physicians, and/or dentists, not exceeding four offices in a single structure.
- (3) High-rise apartments.



