

PLANNING & DEVELOPMENT COMMITTEE

Tuesday, October 16, 2018

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

AGENDA

- I. Roll Call
- II. Call to Order
- III. Approval of Minutes – 9/18/18
- IV. Proposals

Address: *219 East Main St.*

Applicant: Scott Neff (owner)

Proposal 1: Alter the exterior appearance to this building by removing all aspects of the existing drive-through banking teller equipment and canopy structure on the west elevation of this one-story commercial building. The existing masonry wall will be restored to match the appearance of the existing surfaces as closely as possible

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

Address: *54 Cedar St.*

Applicant: Peter Yasses

Proposal 2: Use Variance to allow individual public storage rental unit buildings with outside storage on this vacant parcel located within the I-2 Industrial District

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

Address: *4A Treadeasy Ave.*

Applicant: Alex Amering, PE (Project Manager for Amada Tool)

Proposal 3: Site Plan approval for expansion of an existing 49,000 sq.' manufacturing facility by placing a 19,000 sq.' one-story addition with associated site work on the west side of this parcel

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

Address: 312 Ellicott St.
Applicant: Rick Mancuso (owner)

Proposal 4: Demolition Permit to demolish and remove a “non-conforming use” two-family dwelling from this parcel located in the Central Commercial District. The applicant proposes to redevelop the parcel for use as a permitted principal use parking area

Actions: 1. Review application
2. Discussion by the board
3. SEQR
4. Action by the board
5. Recommendation to the ZBA for two Area Variances

V. Other/ New Business/Updates

VI. Setting of Next Meeting: November 20, 2018

VII. Adjournment

PLANNING & DEVELOPMENT COMMITTEE

DRAFT MINUTES

September 27, 2018

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

Members present: *Edward Flynn, Tammy Hathaway, Robert Knipe, Duane Preston*

Members absent: Matt Gray, Marc Staley

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

I. Roll Call

Roll call of the members was conducted. Four 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

There were no corrections to the minutes. Mr. Preston assumed the motion and the minutes were approved as written by unanimous consent.

RESULT: Approval of August 21, 2018 meeting minutes.

IV. Proposals

- A. Recommendation to the ZBA for an Area Variance: widen an existing 20' wide asphalt driveway by placing 12.58' of asphalt to the east (right) side of the existing driveway

Address: *7 Burke Dr.*

Applicant: John Bryant DeGolia (owner)

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

1. Review Application

Mr. Preston read the summary of the proposal.

2. Discussion and Recommendation by the Board

Mr. DeGolia explained that in the neighborhood where he lives, no one parks on the street. Since the lower part of the driveway needs repair, he would like to widen it at the same time. Also, the fire hydrant in the middle of his front yard must be kept clear so there is no place for visitors to park. He noted that if he was able to get his truck into the driveway, it would make it easier for plows to remove snow from the street.

Mr. Flynn asked if Mr. DeGolia puts his vehicles in the garage and Mr. DeGolia said that he does.

Mr. Flynn pointed out that the space in the driveway along with the space in the garage allows for four parking places. Mr. DeGolia responded that he has three vehicles and the driveway does not allow enough space for him to park his truck in the driveway without tearing up his yard.

Mr. Flynn wanted to know why Mr. DeGolia would want to extend the driveway beyond the front of the garage. Mr. DeGolia said that he is anticipating the addition of a trailer of some sort and he would like to park it next to the garage.

The board members discussed the sharpness of the driveway and how it should be tapered instead. Mr. Flynn asked if the width could be reduced by 2' to make the total width 30'. Mr. DeGolia said that would be fine.

Mr. Knipe asked if Mr. DeGolia's intention is to make the driveway look like the driveway of the neighbor to the east, and Mr. DeGolia said yes.

MOTION: Mr. Flynn moved to recommend approval of Area Variance with the following modifications: the amount of the addition to the driveway is reduced to 10'; and, the driveway will be tapered toward the rear. The motion was seconded by Mr. Knipe, and on roll call, was approved 4-0.

RESULT: Recommendation to the ZBA for approval of the Area Variance with modifications.

B. Recommendation to City Council for a proposed zoning change for these seven parcels from R-3 (Residential) to C-3 (Commercial)

Address: *110-116 Liberty St.; 42 Central Ave.; 112-116 Liberty St.; 118-120 Liberty St.; 122 Liberty St.; 122-124 Liberty St. Rear; 124-126 Liberty St.*

Applicant: Martin Macdonald (agent for City Church)

Actions: 1. Review application
2. Public hearing and discussion
3. Recommendation to City Council

1. Review Application

Mr. Preston read the summary of the proposal. He reported that the Genesee County Planning Board recommended approval of the proposal with modifications, which is that 124-126 Liberty St. remain in the residential district. The Comprehensive Plan update recommended that this area should be zoned as Restoration/Residential, and keeping 124-126 Liberty St. in the residential district would provide a buffer between the commercial district and the residential district.

2. Public Hearing and Discussion

MOTION: Mr. Knipe moved to open the public hearing; the motion was seconded by Mr. Flynn, and on roll call, was approved 4-0.

RESULT: Public hearing opened at 6:14 pm.

Pastor Macdonald said that the parcels are being used to provide a place for young people to gather for art, dance, music, and other activities. The current zoning does not allow for the buildings to be used for these purposes.

Mr. Flynn asked if the property will include businesses that are for profit. Mr. Randall answered that City Church intends to lease the space, so there will be some business occupancy and some assembly occupancy, which are not permitted in a residential district.

Mr. Flynn asked why the proposed change is to C-3 rather than C-1. Mr. Randall pointed out that the parcels would adjoin an area that is already zoned C-3. Mr. Flynn said that he thinks making the parcels part of a C-1 district creates a better transition between the C-3 and R-3 zones. However, Mr. Randall explained that creating a zone different from any of the surrounding zones could be considered spot zoning.

Mr. Flynn asked if a Planned Development zone had been considered. Mr. Randall responded that the C-3 district was proposed because the parcels are adjacent to the C-3 zone, which allows the uses City Church has planned for the property. This solution would be the most direct and least complicated. Mr. Flynn expressed concern over what uses the property could be put to by future owners if City Church sold it.

Ms. Hathaway suggested restricting the title. Pastor Macdonald said restrictions have already been established. Mr. Flynn asked how long the restrictions last, but Pastor Macdonald did not know.

Mr. Flynn believes that a separate zone should be created to acknowledge the transitional nature of the property and the uses to which it could be put.

There was no one present who wished to speak, and no calls, letters, or email concerning the proposal.

MOTION: Mr. Flynn moved to close the public hearing; the motion was seconded by Ms. Hathaway, and on roll call, was approved 4-0.

RESULT: Public hearing closed at 6:32 pm.

Discussion on uses within particular zones continued. Mr. Randall showed the board the section of the Batavia Municipal Code regarding zoning uses, which indicated that City Church's plans could not be realized within a C-1 district.

3. Recommendation to City Council

MOTION: Mr. Knipe moved to recommend approval of the proposed zoning change of site plan from R-3 to C-3, with the exception of 124-126 Liberty St., which should remain the same; the motion was seconded by Mr. Preston, and on roll call, the vote was 2-1-1.

Votes in favor: 2 (Robert Knipe, Duane Preston)

Votes opposed: 1 (Edward Flynn)

Votes abstained: 1 (Tammy Hathaway)

RESULT: Report results to City attorney to determine if vote is sufficient for recommendation to City Council.

- C. Sign Code Review: City Council has requested that the PDC review the recently adopted sign code to determine if the application and implementation of the new code has been satisfactorily achieved and whether the desired results have been realized. Council wishes for the PDC to make recommendations regarding potential revisions to section 190-43 of the Batavia Municipal Code

Applicant: City Council

- Actions: 1. Review application
2. Discussion and recommendation to City Council

1. Review Application

Mr. Preston asked if everyone had read the summary of the proposed changes and had comments or questions.

2. Discussion and Recommendation to City Council

Mr. Flynn observed that the wording regarding menu signs is vague and could allow for the possibility for as many as eight drive-through signs. Mr. Randall suggested to change the wording to allow for a maximum of two drive-through menu signs.

Mr. Knipe noted that the code says menu signs must be 5' from property lines. He referred to the past situation with the Dunkin Donuts on West Main St. where the drive-through runs along the property line, and asked if that meant that the menu board would not be allowed on the side of the property line where it would be most easily seen. Mr. Randall verified that a menu sign would now not be allowed in such a location.

Mr. Flynn said he thought that 42 sq.' for a menu board was too large. Ms. Hathaway pointed out that if a patron driving a truck, a large menu board is necessary. Mr. Preston and Mr. Knipe agreed that 42 sq.' seemed an appropriate size.

Mr. Flynn reported that he had checked on the codes regarding electronic message boards in residential areas for Geneva, Clarence, Lockport, and Corning. Mr. Randall said that the change is in acknowledgement of technological advances. According to Mr. Randall, the change in this section is in response to problems encountered in the past year.

MOTION: Mr. Knipe moved to recommend approval of the changes to the Sign Code to City Council; the motion was seconded by Ms. Hathaway, and on roll call, was approved 3-1-0.

Votes in favor: 3 (Tammy Hathaway, Robert Knipe, Duane Preston)

Votes opposed: 1 (Edward Flynn)

Votes abstained: 0

RESULT: Recommendation to City Council for approval of the proposed changes to the Sign Code.

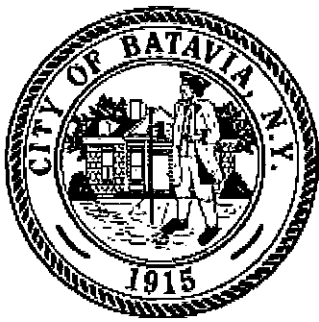
V. Other/New Business/Updates: none

VI. Setting of Next Meeting: October 16, 2018

VII. Adjournment

Mr. Knipe moved to adjourn the meeting at 7:05 p.m.; the motion was seconded by Mr. Preston. All voted in favor.

Meg Chilano
Bureau of Inspection Secretary



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: 10/2/18

Re: **219 East Main St.**
Tax Parcel No. **84.011-1-21**

Zoning Use District: C-3

The applicant, Scott Neff (owner), is requesting approval to alter the exterior appearance to this building by removing all aspects of the existing drive-through banking teller equipment and canopy structure on the west elevation of this one story commercial building. The existing masonry wall will be restored to match the appearance of the existing surfaces as closely as possible.

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

Review and Approval Procedures:

County Planning Board- Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of the right of way of a state road or highway.

City Planning and Development Committee- Pursuant to section 190-14 D(2)(a) of the zoning ordinance, the Planning and Development Committee shall review all applications for building permits that involve exterior changes in the Downtown Batavia 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 Committee
Address One Batavia City Centre
City, State, Zip Batavia, NY 14020
Phone (585) 345 - 6347 Ext. _____

2. APPLICANT INFORMATION

Name Scott Neff Ameriprise Financial Services Inc.
Address 335 Ellicott St.
City, State, Zip Batavia, NY 14020
Phone (585) 219 - 4602 Ext. _____ Email scott.neff@ampf.com

MUNICIPALITY: ☒ City ☐ Town ☐ Village of Batavia

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

- | | | |
|---|---|---|
| <input type="checkbox"/> Area Variance | <input type="checkbox"/> Zoning Map Change | <input type="checkbox"/> Subdivision Proposal |
| <input type="checkbox"/> Use Variance | <input type="checkbox"/> Zoning Text Amendments | <input type="checkbox"/> Preliminary |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Comprehensive Plan/Update | <input type="checkbox"/> Final |
| <input type="checkbox"/> Site Plan Review | <input checked="" type="checkbox"/> Other: <u>Exter. change in B.I.D.</u> | |

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

- A. Full Address 219 East Main St.
B. Nearest intersecting road Summit
C. Tax Map Parcel Number 84.011-1-21
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 alter the exterior appearance of a building in the B.I.D.

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

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

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17.
Email to planning@co.genesee.ny.us

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

Douglas E. Randall

From: Neff, Scott <Scott.Neff@ampf.com>
Sent: Friday, September 28, 2018 4:31 PM
To: Douglas E. Randall
Subject: removal of drive-thru @ 219 East Main St

Doug, again thank you for taking the time to meet on site and address my questions. As we discussed, here is a picture of the drive-thru on our building that we would like permission to take down to enhance the exterior presence. The process involves demoing the rooftop overhang and taking out the correlating foundation. The affected drive-way areas will then be repaired and covered over with asphalt (the entire driving/parking surfaces will be resealed and striped in the spring). The exposed portion of the building from the overhang removal will be filled in with color matching brick. Please let me know if there is any additional information needed at this time.

Regards,



P.S. Are you ready to make the first step towards financial confidence? Take the *3-Minute Confident RetirementSM check* and share your results with me today.

Scott M. Neff

Financial Advisor | Senior Vice President
The Mulcahy Neff Group
A financial advisory practice of Ameriprise Financial Services, Inc.

.....
Ameriprise Financial Services, Inc.
335 Ellicott Street
Batavia, NY 14020

O: 585.219.4602 | F: 585.201.7247

Ameriprise Financial Services, Inc
259 Main Street, Suite 205
East Aurora, NY 14052

O: 716.652.0002

Support staff contact information is available on [my website](#)



*We shape financial
solutions for a lifetime®*

An Ameriprise Financial Franchise. Ameriprise Financial Services, Inc. offers financial advisory services, investments, insurance and annuity products. RiverSource® and Columbia Management® products are offered by affiliates of Ameriprise Financial Services, Inc., Member FINRA and SIPC.

From: Scott Neff <smneff69@gmail.com>
Sent: Friday, September 28, 2018 4:16 PM
To: Neff, Scott <Scott.Neff@ampf.com>
Subject:

Google Maps NY-5

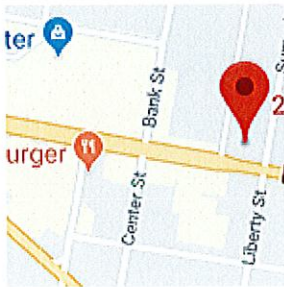


Image capture: Sep 2017 © 2018 Google

Batavia, New York

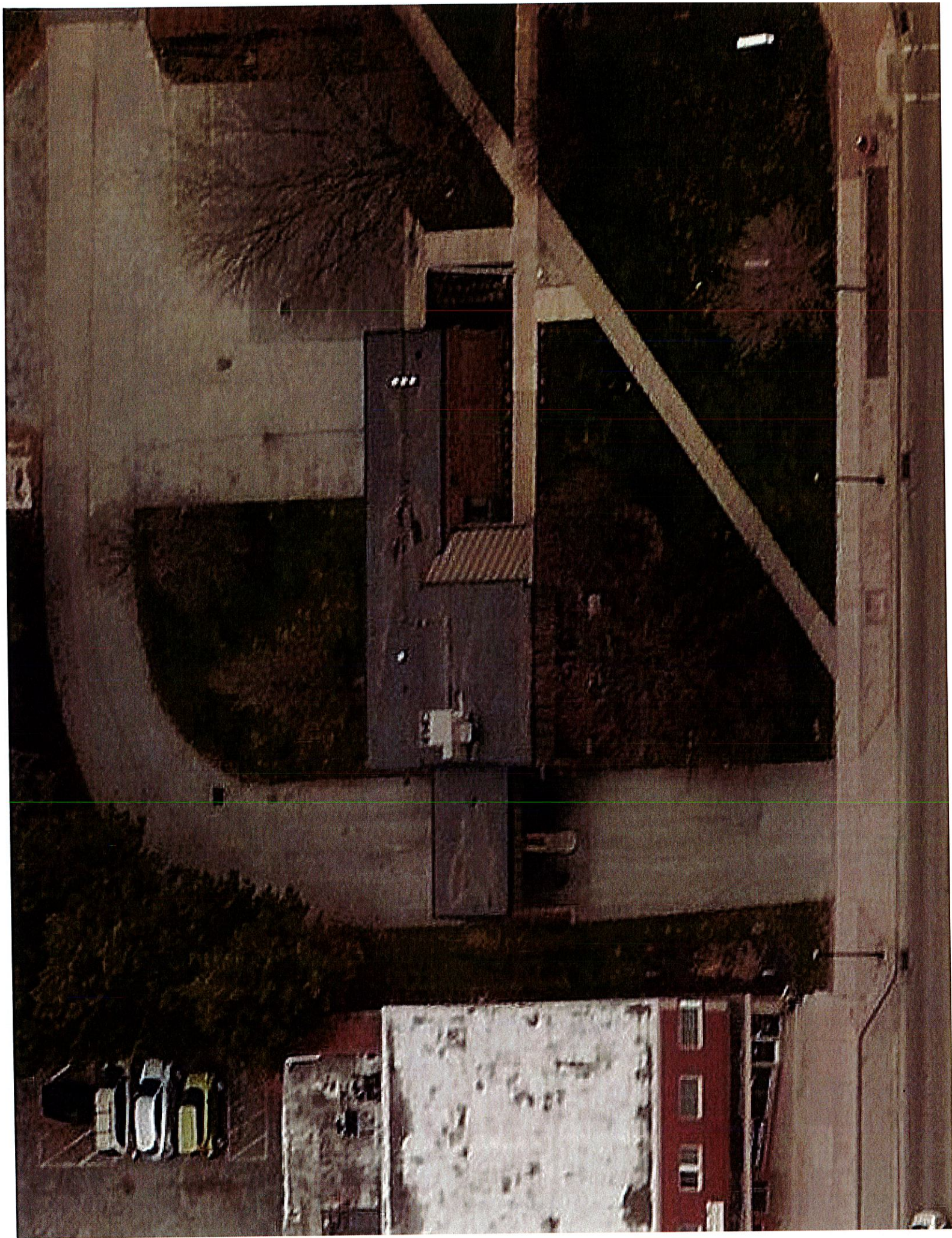
Google, Inc.

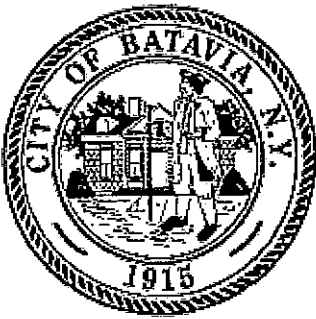
Street View - Sep 2017





E Main St





City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020

(585)-345-6345

(585)-345-1385 (fax)

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

From: Doug Randall, Code Enforcement Officer

Date: 10/2/18

Re: **54 Cedar St.**
Tax Parcel No. **84.020-1-10**

Zoning Use District: **I-2**

The applicant, Peter Yasses, has filed an application for a use variance to allow individual public storage rental unit buildings with outside storage on this vacant parcel located within the I-2 Industrial District.

Review and Approval Procedures:

County Planning Board- Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of the boundary of a County or State park or other recreation area.

City Planning and Development Committee- Pursuant to section 190-49 C of the zoning ordinance, the Planning and Development Committee shall review applications for variances that include non-permitted uses and make recommendation to the ZBA.

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

- 1) **BMC 190-16 Individual public storage rental units with outside storage area is not a permitted principal use in the I-2 industrial use district.**

The Zoning Board of Appeals will be the lead agency to conduct SEQR.

SEND OR DELIVER TO:

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

DEPARTMENT USE ONLY:

GCDP Referral # _____



*** GENESEE COUNTY ***
PLANNING BOARD REFERRAL

Required According to:

GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N

(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATIONBoard(s) Zoning Board of AppealsAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345 - 6347 Ext. _____**2. APPLICANT INFORMATION**Name Peter YassesAddress 6956 Byron-Holley Rd.City, State, Zip Byron, NY 14422Phone (585) 548 - 2564 Ext. _____ Email pyasses@rochester.rr.comMUNICIPALITY: ☒ City ☐ Town ☐ Village of Batavia**3. TYPE OF REFERRAL:** (Check all applicable items)

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

- ☐ Zoning Map Change
☐ Zoning Text Amendments
☐ Comprehensive Plan/Update
☐ Other: _____

Subdivision Proposal

- ☐ Preliminary
☐ Final

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:A. Full Address 54 Cedar St.B. Nearest intersecting road East Main St.C. Tax Map Parcel Number 84.020-1-10D. Total area of the property 7.46 acres Area of property to be disturbed _____E. Present zoning district(s) I-2**5. REFERRAL CASE INFORMATION:**

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

☒ NO ☐ YES If yes, give date and action taken _____

B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law

BMC 190-16 Public storage rental unit buildings with outside storage is not a permitted principal useC. Please describe the nature of this request Approval to include public storage rental units with outside storage asa permitted principal use on this parcel located within the I-2 Industrial District.**6. ENCLOSURES** – Please enclose copy(s) of all appropriate items in regard to this referral

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

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

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

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

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

DATE: 9/26/19APPLICANT NAME & PHONE: 54 CEDAR, LLC**Project Location and Information**

Permit #: _____ Fee: _____

Address of Project: 54 CEDAR STREET BATAVIA N.Y.Owner & Address: 54 CEDAR STREET, 6956 BYRON-HOLLEY RD, BYRON, N.Y.Phone: (505) 548-2564 14422**Project Type/Describe Work**Estimated cost of work: 100,000Start date: 1/1/19

Describe project:

CONSTRUCTION OF ONE OR POSSIBLY TWO STORAGE
FACILITY BUILDINGS**Contractor Information** – Insurance certificates (liability & workers comp) required being on file**GENERAL**Name/Address: YASSES TRUCKING + CONSTRUCTION, LLCPhone: 548-5014 6956 BYRON-HOLLEY RD, BYRON, N.Y. 14422**PLUMBING** (City of Batavia Licensed Plumber Required)Name/Address: NONE

Phone: _____

HEATINGName/Address: NONE

Phone: _____

ELECTRICAL (Third Party Electrical Inspection Required)Name/Address: UNKNOWN AT THIS TIME

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: _____



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

PAID

OCT - 3 2018

Application No.: 18-17
Hearing Date/Time: _____

APPLICANT: 54 CEDAR LLC
Name: PETER N. YASSEL E-Mail Address: PYASSEL@ROCHESTER.NY.COM
Street Address: 6956 BYRON-HILLY RD. Phone: (585) 548-2564 Fax: 548-7100
City: BYRON State: N.Y. Zip: 14422

STATUS: ☒ Owner ☐ Agent for Owner ☐ Contractor

OWNER: PETER N. YASSEL OWNER OF LLC
Name: _____ E-Mail Address: _____
Street Address: _____ Phone: _____ Fax: _____
City: _____ State: _____ Zip: _____

LOCATION OF PROPERTY: 54 CEDAR ST. BATAVIA N.Y.

DETAILED DESCRIPTION OF REQUEST: APPLICANT WANTS TO BUILD STORAGE UNIT FACILITIES UPON THIS PROPERTY WHICH IS ZONED I-2 (NOTE: A PORTION OF THIS PROPERTY IS ZONED I-1 HOWEVER NO UNITS BUILT IN I-1)

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.

[Signature]
Applicant's Signature

9/26/18
Date

[Signature]
Owner's Signature

9-26-18
Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.020-1-10 ZONING DISTRICT: I-2 FLOOD PLAIN: C

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: BMS 190-16 Individual public storage unit buildings with outside storage area is not a permitted principal use in the I-1 Industrial District.

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"

NONE OF THE USES ALLOWED BY I-1 OR I-2 ZONES ARE SUITABLE FOR USE ON 54 CEDAR ST. IT IS IDEALLY SUITED FOR STORAGE FACILITY BUILDINGS FOR WHICH THERE IS A SIGNIFICANT NEED WITHIN THE CITY OF BATAVIA. BY ALLOWING THIS USE IT IS ANTICIPATED THAT THIS LONG DORMANT FORMER CITY DUMP WILL BE DEVELOPED TO PROVIDE VITAL STORAGE NEEDS FOR THE CITIZENS OF BATAVIA.

(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"

PROPERTY FOR DECADES WAS A CITY DUMP. NO DEVELOPMENT HAS BEEN PROPOSED FOR THIS PROPERTY FOR THAT REASON. THIS MAKES THE PROPERTY UNIQUE IN THE CITY.

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: 54 Cedar

A. PROPERTY DATA

1. Date property was purchased by current owner _____
2. Was a Certificate of Occupancy issued? NO
Date of Issuance? NO
If so, for what use(s)? NO
If not, why? NO
3. Cost of Purchase _____
4. a) Amount of Mortgage 0 Interest Rate 0
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. 4 Is the property for sale? YES HAD BEEN FOR WHOLE DECADRE
If so, for how long _____
asking price _____
for what use(s) _____
Have any offers been received _____
If so, for what amount(s) _____

Summarize any attempts to sell the property MARKETED EVERYWHERE

6. Present value of property _____
Source(s) _____

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: 54 CEDAR ST

A. PROPERTY DATA

1. Date property was purchased by current owner AUG 15
2. Was a Certificate of Occupancy issued? NO
Date of Issuance? NO
If so, for what use(s)? _____
If not, why? _____
3. Cost of Purchase \$3,000.00
4. a) Amount of Mortgage _____ Interest Rate _____
Mortgage Holder NA Duration _____
Address _____
- b) Amount of Mortgage _____ Interest Rate _____
Mortgage Holder NA Duration _____
Address _____
- c) Amount of Mortgage _____ Interest Rate _____
Mortgage Holder NA Duration _____
Address _____
5. Is the property for sale? _____
If so, for how long _____
asking price _____
for what use(s) _____
Have any offers been received _____
If so, for what amount(s) _____

Summarize any attempts to sell the property _____

6. Present value of property \$3,000.00
Source(s) _____

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

USE	INCOME
1. <u>AT CURRENT PERMITTED USE</u>	<u>NO MARKET</u>
2. <u>MINING - DUST - TRAFFIC</u>	
3. <u>LIKE INDUSTRIAL</u>	
4. <u>INDUSTRIAL OFFICE</u>	
5. <u>RESEARCH LAB</u>	
6. <u>TANK YARD</u>	
7. _____	
8. _____	
9. _____	
10. _____	

TOTAL RENTAL INCOME _____
 LESS VACANCY FACTOR _____
 (Attach explanation if greater than 8%)
 TOTAL GROSS INCOME _____

C. ANNUAL EXPENSES

UNABLE TO DETERMINE

- Annual Fixed Charges
 Real Estate Taxes (City & County) _____
 Insurance..... _____
 Average Annual Interest (over next 5 years) _____
- Operating Expenses
 Electric..... VACANT LOT
 Fuel..... _____
 Water..... _____
 Advertising..... _____
 Miscellaneous (attach explanation) _____
- Maintenance Expenses (attach list)
 Repairs..... _____
 General Building Maintenance..... _____
 Yard and Ground Care..... _____
 Miscellaneous..... _____

TOTAL ANNUAL EXPENSES _____
 Profit or Loss _____

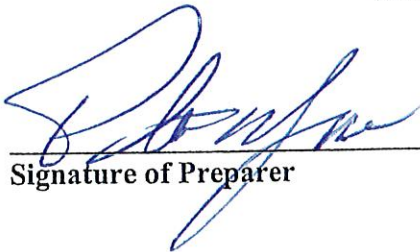
D. TOTAL INVESTMENT

1. Down payment.....
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

9-30-18

Date

Profession of Preparer

617.20
Appendix B
Short Environmental Assessment Form

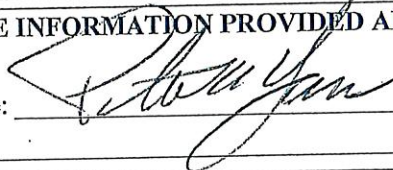
Instructions for Completing

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																		
54 CEDAR LLC																		
Name of Action or Project: CEDAR STREET STORAGE																		
Project Location (describe, and attach a location map): 54 CEDAR ST. BATAVIA, N.Y.																		
Brief Description of Proposed Action: APPLICANT PROPOSES TO CONSTRUCT UP TO 6 STORAGE BUILDINGS CONTAINING INDIVIDUAL UNITS WITHIN EACH FOR STORAGE RENTAL																		
Name of Applicant or Sponsor: PETER N. VASSES		Telephone: (505) 548-2564																
		E-Mail: PVASSES@RICHTERSTEN.RR.COM																
Address: 6956 BYRON-HOLLEY RD.																		
City/PO: BYRON		State: N.Y.	Zip Code: 14422															
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.			<table border="1" style="width: 100%; text-align: center;"><tr><td>NO</td><td>YES</td></tr><tr><td>X</td><td></td></tr></table>	NO	YES	X												
NO	YES																	
X																		
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:			<table border="1" style="width: 100%; text-align: center;"><tr><td>NO</td><td>YES</td></tr><tr><td>X</td><td></td></tr></table>	NO	YES	X												
NO	YES																	
X																		
3.a. Total acreage of the site of the proposed action?		7.4 acres																
b. Total acreage to be physically disturbed?		3.0 acres																
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		7.4 acres																
4. Check all land uses that occur on, adjoining and near the proposed action. <table style="width: 100%;"><tr><td><input type="checkbox"/> Urban</td><td><input type="checkbox"/> Rural (non-agriculture)</td><td><input checked="" type="checkbox"/> Industrial</td><td><input type="checkbox"/> Commercial</td><td><input checked="" type="checkbox"/> Residential (suburban)</td></tr><tr><td><input type="checkbox"/> Forest</td><td><input type="checkbox"/> Agriculture</td><td><input type="checkbox"/> Aquatic</td><td colspan="2"><input type="checkbox"/> Other (specify): _____</td></tr><tr><td><input type="checkbox"/> Parkland</td><td colspan="4"></td></tr></table>				<input type="checkbox"/> Urban	<input type="checkbox"/> Rural (non-agriculture)	<input checked="" type="checkbox"/> Industrial	<input 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				
<input type="checkbox"/> Urban	<input type="checkbox"/> Rural (non-agriculture)	<input checked="" type="checkbox"/> Industrial	<input 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																		

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	X		
b. Consistent with the adopted comprehensive plan?		X	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?			X
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____			X
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	X		
b. Are public transportation service(s) available at or near the site of the proposed action?		X	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		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: _____			X
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	X		
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	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?	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: _____	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 checked="" 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?	X		
16. Is the project site located in the 100 year flood plain?	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: _____	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: <u>CITY DUMP FOR YEARS</u> _____ _____	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: <u>TILES WERE REMOVED FROM THE PREMISES</u> _____ _____	NO	YES
		X
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u></u> Date: <u>9/26/18</u> Signature: _____		

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?"

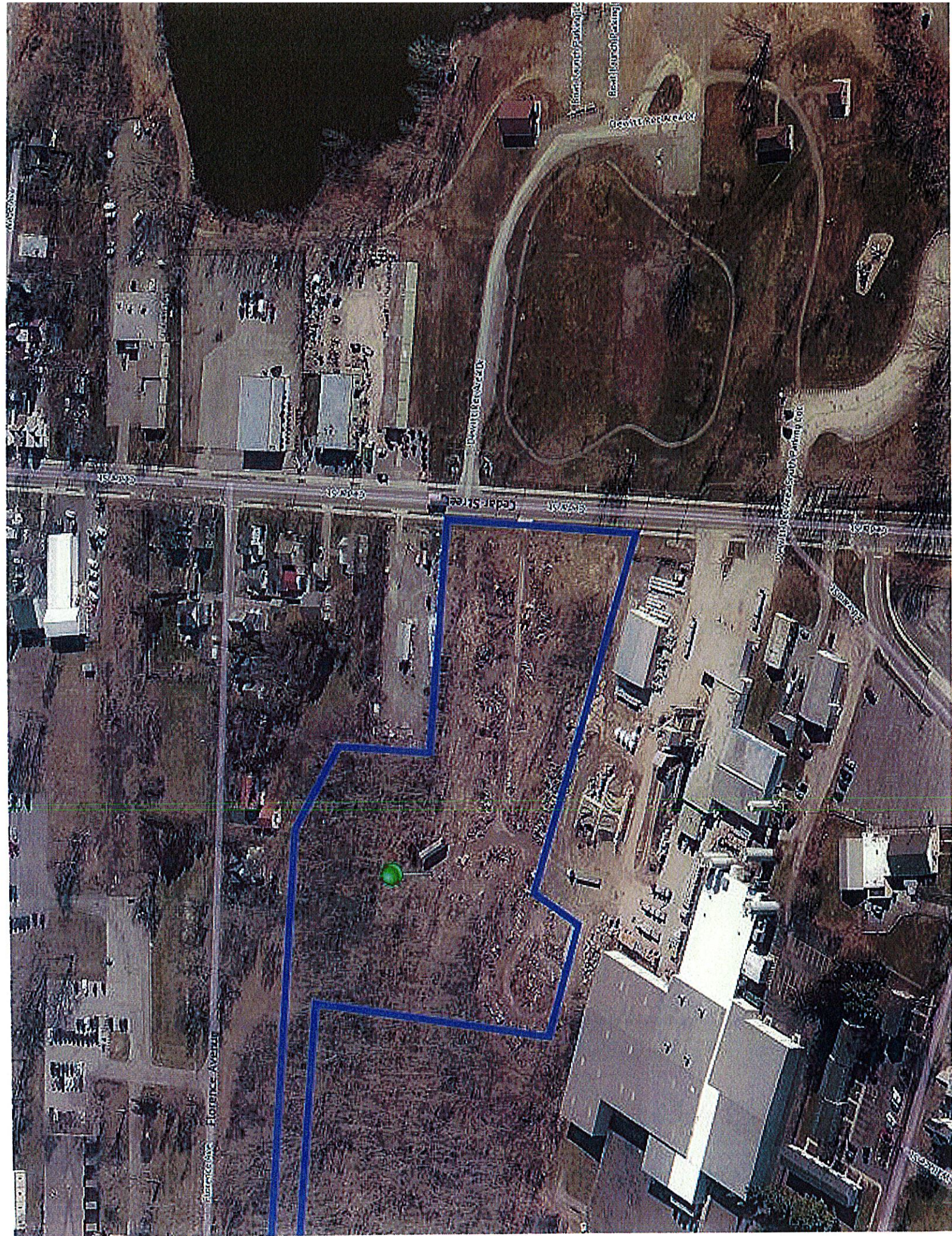
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the 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?</div> <div style="margin-left: 20px;">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)





SITE PLAN



| PROPOSED 6 STORAGE BUILDINGS



PROPOSED FENCED IN OUTDOOR STORAGE

PROPOSED SMALL BURM W BRICK SIGN

[illegible]



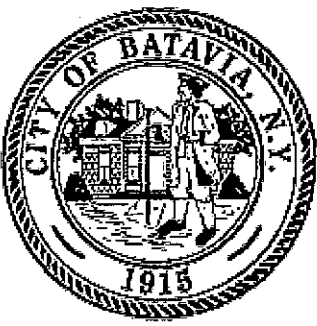












City of Batavia
Department of Public Works
Bureau of Inspections

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: 10/1/18

Re: **4A Treadeasy Ave.**
 Tax Parcel No. 84.013-1-42.1

Zoning Use District: P-1

The applicant, Alex Amering, PE (Project Manager for Amada Tool), has filed a site plan application to expand this existing 49,000 square foot manufacturing facility by placing a 19,000 square foot one story addition with associated site work on the west side of this parcel.

Review and Approval Procedures:

County Planning Board- Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of the boundary of the city.

City Planning and Development Committee- Pursuant to section 190-44 B(1) of the zoning ordinance, the Planning and Development Committee shall perform site plan review for expansions of nonresidential buildings that increase the lot coverage by more than 3 percent or 1,300 square feet.

BMC 190-24 B through H. Planning Development Dist. P-1 (see attached)

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

SEND OR DELIVER TO:

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

DEPARTMENT USE ONLY:

GCDP Referral # _____



*** GENESEE COUNTY ***
PLANNING BOARD REFERRAL

Required According to:

GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N

(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATIONBoard(s) Planning and Development CommitteeAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345 - 6347 Ext. _____**2. APPLICANT INFORMATION**Name Alexander Amering, PE (Costich Engineering)Address 217 Lake Ave.City, State, Zip Rochester, NY 14608Phone (585) 458 - 3020 Ext. _____ Email alex@costich.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 4 A Treadeasy Ave.

B. Nearest intersecting road _____

C. Tax Map Parcel Number 84.013-1-42.1D. Total area of the property 6.80 acres Area of property to be disturbed 2.3 acresE. Present zoning district(s) P-1**5. REFERRAL CASE INFORMATION:**

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

☒ NO ☐ YES If yes, give date and action taken _____

B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law

C. Please describe the nature of this request Site plan approval for 19,000 sq.' building addition with site work**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 letters

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

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



City of Batavia, NY
Tuesday, October 2, 2018

Chapter 190. Zoning

Article VII. Special Districts

§ 190-24. Planned Development District P-1.

- A. Area boundary. The premises hereinafter described, being formerly zoned as I-1, is rezoned as Planned Development District P-1:

All that tract or parcel of land situated in the City of Batavia, County of Genesee and State of New York, bounded as follows:

Beginning at the intersection of the south boundary of Pearl Street with the north boundary of the former NYCRR Cohocton grade;

Thence easterly along the north bounds of the former NYCRR Cohocton grade for a distance of 130± feet to a point;

Thence northerly for a distance of 60± feet to a point in the south boundary of Pearl Street 163± feet easterly from the point of beginning;

Thence westerly along the south bounds of Pearl Street to the point of beginning; also beginning at the point of intersection of the west bounds of village lot No. 64 with the City line of the City of Batavia;

Thence northeasterly along said lot line a distance of 590± feet to the south boundary of Pearl Street;

Thence easterly along said south boundary of Pearl Street 280± feet to a point;

Thence easterly along the south boundary of the former NYCRR Conhocton grade a distance of 1254± feet to a point;

Thence southwesterly along the east bounds of land belonging now or formerly to Louis L. Colantonio a distance of 630± feet to a point on the north boundary of the NYCRR Tonawanda Branch;

Thence easterly along said north boundary a distance of 1640± feet to the center of a Holland Land alley between the east bounds of village lot No. 57 and the west bounds of village lot No. 56;

Thence southwesterly along the center line of said Holland alley a distance of 210± feet to a point on the north boundary of the former NYCRR main line;

Thence southeasterly at an angle of 90 degrees from said north boundary a distance of 140± feet to a point on the south boundary of said former NYCRR main line;

Thence southwesterly along the south boundary of the former NYCRR main line a distance of 1950± feet to the City line of the City of Batavia;

Thence northwesterly along said City line a distance of 1465± feet to the point of beginning.

- B. Permitted principal uses.

- (1) Residential. No residential uses shall be permitted except for a caretaker, watchman or other similar person employed on the premises concerned.
- (2) Commercial.
 - (a) A bank.
 - (b) An office building containing professional and business offices.
 - (c) A restaurant.
 - (d) A retail store or service shop, if accessory and incidental to a use permitted in an industrial zone on the same lot.
 - (e) A radio or television transmission establishment.
 - (f) An auditorium, swimming pool or other recreational or educational use if it is restricted to the interior of a building.
[Amended 6-24-1996]
 - (g) A commercial or technical school.
- (3) Automotive.
 - (a) An automobile service station, or a public garage.
 - (b) A car-washing establishment.
 - (c) A public parking lot.
- (4) Industrial.
 - (a) A warehouse for the storage of goods and materials within a wholly enclosed structure or outside storage located immediately behind the building, screened by fencing and landscaping from public view.
 - (b) A plant for the assembly and manufacture of products within a wholly enclosed structure as follows:
 - [1] An apparel and finished textile product plant.
 - [2] A paper and allied products plant.
 - [3] A furniture and finished lumber products plant.
 - [4] A light metal products plant for the assembly and manufacture of precision instruments, watches, radios and television sets, and other similar products.
 - [5] A printing plant.
 - [6] Manufacturing or industrial use carried on within a wholly enclosed building or structure, or outside storage, screened from public view with approved fencing and landscaping and located on the rear lot immediately behind the building. No junk or salvage yard, automobile wrecking yard or other obnoxious use shall be permitted.

- C. Uses permitted by special use permit. Those uses which because of danger to the general public due to hazards of fire and explosion, including those uses where explosives, combustible gases or flammable liquids are manufactured or stored, shall be permitted only upon issuance of a special use permit according to the provisions of § 190-37 and only in conformance with the State Building Construction Code^[1] and Labor Law of the State of New York.
- [1] *Editor's Note: See Ch. 51, Building Construction.*
- D. Frontage on a street. No person shall hereinafter erect a building or structure and no person shall use any building, structure or land in Planned Development District P-1 unless the land to be so used, or upon which the building is situated, erected or proposed to be erected, fronts on a public street or a private right-of-way having a minimum width of 30 feet, such right-of-way to be in a location approved by the City of Batavia.
- E. Yard requirements.
- (1) Front yard.
- (a) Distance from front lot line, the greater of 30 feet or the average depth of the front yards of the existing main buildings situated on immediately adjacent lots.
- (b) Where the land on the opposite side of the street is in a residential district, distance from the center line of the original street allowance shall be 100 feet minimum.
- (c) In the case of a key lot, the front yard shall be 1/2 of the sum of the normal front yard requirements plus the normal side yard requirement of the adjacent reversed corner lot.
- (2) Side yard.
- (a) Distance from side lot lines: 20 feet minimum one side; 10 feet minimum other side.
- (b) Where the side lot line is a boundary between an industrial zoning district and a residential zoning district, distance from side lot line; 50 feet minimum.
- (c) On any side lot line which abuts a street, 25 feet minimum, provided that any such side yard shall not be required to exceed the front yard for the same building.
- (3) Rear yard.
- (a) Distance from rear lot line, 25 feet minimum.
- (b) Where the rear lot line is the boundary between an industrial zoning district and a residential zoning district, distance from rear lot line: 50 feet minimum.
- (c) Where the rear lot line abuts a right-of-way of any railway, no rear yard shall be required.
- (d) In the case of a through lot where the rear yard is across the street from a residential zoning district, distance from rear lot line: 50 feet minimum.
- (4) Increase in yard dimension. In the case of a building in excess of 35 feet in height, the minimum side and rear yards shall be increased by one foot for every two feet of additional building height in excess of 35 feet.

F. Parking requirements.

- (1) A parking station, accessible from a street, shall be provided on the same lot on which any building is situated and/or on a parcel of land the nearest point of which is not more than 300 feet distant from the said lot, in compliance with the following: There shall be provided on the same lot or a lot adjacent thereto under the same ownership off-street parking facilities to the number of, or at least equal to the total number of, employees employed on the premises in such industrial use on the maximum shift.
- (2) Where the front yard exceeds 30 feet, such excess yard may be used for parking and for the purpose of calculating the area available for parking.
- (3) No parking or storage of vehicles shall be permitted within 20 feet of any residential zoning district.
- (4) A parking station as required in this subsection shall be in addition to off-street loading requirements as required by Subsection G of this section.
- (5) Parking stations, together with access lanes thereto, shall be surfaced and maintained with concrete, asphalt, crushed stone or other hard surface and dustless materials.
- (6) Where lighting facilities for a parking station are provided, they shall be so constructed as to deflect the light away from any adjacent residential or park area.

G. Off-street loading space requirements.

- (1) For every building or structure hereafter erected in a Planned Development District P-1, there shall be provided and maintained accessible off-street loading facilities consisting of one or more loading spaces at least 35 feet long and 12 feet wide, and having vertical clearance of at least 14 feet and in accordance with the following:

Total Floor Area of Building	Number of Loading Spaces Required
Less than 5,000 square feet	No loading space
Over 5,000 square feet but less than 20,000 square feet	1 loading space
Every 15,000 square feet above 20,000 square feet	2 loading spaces

- (2) Loading facilities shall not face the front of the building.

H. Landscaping.

- (1) The minimum front yard of 30 feet shall be landscaped.
- (2) A chain link fence and a landscaped strip of trees and shrubs, not less than five feet in width, shall be provided along the boundary lines between residential and industrial lands.
- (3) All landscaping shall consist of at least lawn and hardy ornamental shrubs and shall be maintained in a healthy condition, neat and orderly in appearance.

CITY OF BATAVIA

BUILDING PERMIT APPLICATION

DATE: 9-26-2018APPLICANT NAME & PHONE: AMDA TOOL AMERICA, INC.**Project Location and Information**

Permit #: _____ Fee: _____

Address of Project: 4A TREADBAY AVE. BATAVIA, N.Y. 14020Owner & Address: SAMEPhone: 585-344-3900**Project Type/Describe Work**Estimated cost of work: \$2.5MMStart date: 11/2018Describe project: NEW 19,000 S.F. MFG. ADDITION WITH ASSOCIATED
SITE IMPROVEMENTS.**Contractor Information** – Insurance certificates (liability & workers comp) required to be on file**GENERAL**Name/Address: CHRISTINA GUST, CORP. 4601 DEWEY AVE. GORHAM, NY 14461Phone: 585-526-6376**PLUMBING** (City of Batavia Licensed Plumber Required) Rick Hale 28 SWAN ST. BATAVIA, NY 14020Name/Address: ~~ALAN GUST, CORP. 5505 ROSE RD. BATAVIA, NY 14020~~Phone: ~~585-343-0115~~ 585-343-3805**HEATING**Name/Address: ARIC REFRIGERATION 26 CEDAR ST. BATAVIA, NY 14020Phone: 585-343-2670**ELECTRICAL** (Third Party Electrical Inspection Required)Name/Address: ARIZ ELECTRICAL, LLC 336A LOCKPORT RD. OAKFIELD, NY 14125Phone: 585-343-1023**FOR OFFICE USE ONLY**

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

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

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

Existing Use: _____ NYS Building Code Occupancy Class: _____

Proposed Use: _____ NYS Building Code Occupancy Class: _____

REQUIRED INSPECTIONS

Contact the Bureau of Inspection at (585) 345-6345 twenty-four (24) hours in advance to schedule all inspections.

IT IS THE RESPONSIBILITY OF THE OWNER AND/OR AGENT TO CONTACT THIS OFFICE & BE PRESENT FOR ALL INSPECTIONS

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

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

Jerome L. Scharlau
Applicant Signature

9/26/18
Date

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

R907.3 Recovering versus Replacement

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

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

Exceptions:

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

I, Jerome L. Scharlau owner and/or agency of the property located at 4A Tradeasy Ave., Batavia for Building Permit No. _____ have reviewed and understand the requirements of Section 907.3 Recovering versus Replacement

Jerome L. Scharlau
Applicant Signature

9/26/18
Date

Fence Disclaimer

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

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

I, Jerome L. Scharlau owner and/or agent of the property located at 4A Tradeasy Ave., Batavia for Permit No. _____ understand that this permit is issued based on information supplied by owner/agent and that the City of Batavia accepts no responsibility for inaccurate documentation or information supplied to secure the permit.

Jerome L. Scharlau
Applicant Signature

9/26/18
Date

Short Environmental Assessment Form

Part 1 - Project Information

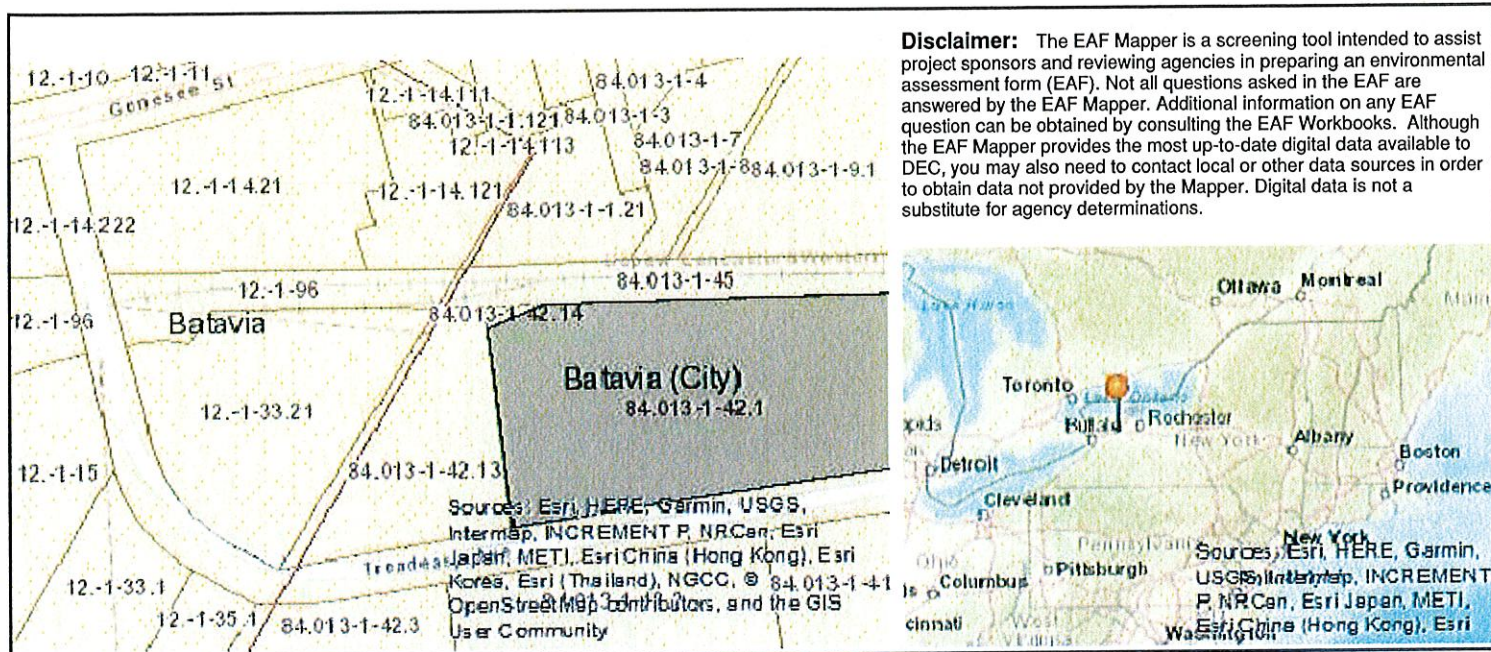
Instructions for Completing

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

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

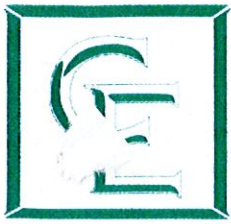
Part 1 - Project and Sponsor Information			
Name of Action or Project: Amada Tool American			
Project Location (describe, and attach a location map): 4A Treadeasy Avenue. Located approximately 330-ft West of Industrial Boulevard intersection.			
Brief Description of Proposed Action: Associated municipal approvals for the proposed 19k SF building addition to the existing Amada Tool America, Inc. facility located at 4A Treadeasy Avenue in the City of Batavia. The facility operates today as an allowed use in the 'P-1' - Planned Development Industrial District and the proposed layout is consistent with the bulk area requirements. Associated site improvement will include parking areas (including accessible spaces), stormwater management practices, landscape and lighting.			
Name of Applicant or Sponsor: Amada Tool America, Inc.		Telephone: 585-344-3900 E-Mail: jscharlau@amada.com	
Address: 4A Treadeasy Avenue			
City/PO: Batavia		State: New York	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 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 NYSDEC - SPDES Permit		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		3.1 acres	
b. Total acreage to be physically disturbed?		2.3 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		6.80 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 type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input 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? (Internal to existing facility) 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? (Internal to existing facility) 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? b. Is the proposed action located in an archeological sensitive area? (Propose development is primarily utilizing areas previously developed.)	NO <input checked="" type="checkbox"/> <input type="checkbox"/>	YES <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? 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 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input 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 checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES All flows to adjacent properties will reduced from pre-developed to developed conditions. Developed portions of the site will only discharge to existing conveyance systems (Storm sewer on Treadeasy Ave.) after being attenuated in Stormwater Management Facilities.	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	



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

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: _____ Storm water management facilities - For purpose of peak flow attenuation in accordance with NYSDEC requirements.	NO <input type="checkbox"/>	YES <input checked="" 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 <input checked="" type="checkbox"/>	YES <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: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: Alex Amering (As Agent) -Costich Engineering, DPC Date: 9-26-2018</p> <p>Signature: <u>Alex H. Amering</u></p>		



**COSTICH
ENGINEERING, D.P.C.**

Project No. 6793

September 26, 2018

Duane Preston, Chairman
Planning & Development Committee
City of Batavia
1 Batavia City Centre
Batavia, New York 14020

Re: Site Plan Application
Amada Tool America, Inc. – Building Expansion

Dear Chairman Preston and Members of the Board,

On Behalf of our client Amada Tool America, Inc., we are submitting materials for your review for the above referenced project. We are requesting that the project be added to the Board's regularly scheduled October 16th, 2018 agenda for site plan review.

The project represents the proposed expansion of the existing Amada Tool America facility (T.A. 084.013-01-042.001), located at 4A Treadeasy Avenue. The proposal will include all associated improvements, including but not limited to, parking (including accessible spaces), stormwater management facilities, landscape, and lighting.

The proposed expansion will consist of a 19,000 SF addition off the west end of the existing building. The facility will continue to operate as it does today, as an allowed use in the underlying zoning district – 'P-1' Planned Development Industrial District. Review of the bulk area requirements indicate conformance with applicable setback, buffer, and parking requirements for the district. The site will continue to utilize existing access points to Treadeasy Avenue.

We believe the proposed redevelopment is consistent with the objectives of the underlying zoning district, and that the proposed design is conceptually sound.

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Costich Engineering, D.P.C. • 217 Lake Avenue • Rochester, New York 14608

585-458-3020 • 585-458-2731 (Fax) • www.costich.com

To aid in your review enclosed please find:

- Nine (9) copies of this Letter of Intent
- One (1) copy of the Building Permit Application
- One (1) copy of the Short Environmental Assessment Form
- One (1) copy of the Drainage Report
- One (1) copy of Site Development Plans (22"x34")
- Eight (8) copies of Site Development Plans (11"x17")
- One (1) copy of Architectural Elevation Plan (22"x34")
- Eight (8) copies of Architectural Elevation Plan (11"x17")

We look forward to appearing before the Board at its October 16th, 2018 hearing. In the meantime if you should have any questions or require additional information, please do not hesitate to contact our office.

Respectfully submitted,



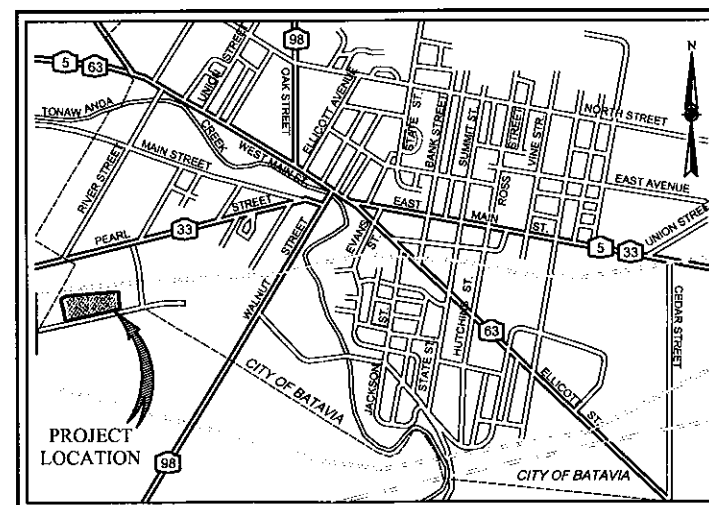
Alexander H. Amering, PE
COSTICH ENGINEERING, DPC

Cc: Jerome Sharlau - Amada Tool America, Inc.
Kevin Bragg - Chrisanntha Construction Corp.
Jay Harris-Maxwell - Hanlon Architects

AMADA TOOL AMERICA INC. BUILDING EXPANSION SITE DEVELOPMENT PLANS 4A TREADEASY AVENUE CITY OF BATAVIA COUNTY OF GENESEE STATE OF NEW YORK

INDEX OF DRAWINGS

SHEET NO.	DRAWING TITLE
GA001	COVER SHEET (SHEET 01 OF 11)
GA002	GENERAL NOTES AND LEGEND SHEET (SHEET 02 OF 11)
VA100	EXISTING FEATURES/DEMOLITION PLAN (SHEET 03 OF 11)
CA110	SITE PLAN (SHEET 04 OF 11)
CA110	UTILITY PLAN (SHEET 05 OF 11)
CA120	GRADING & EROSION CONTROL PLAN (SHEET 06 OF 11)
LA100	LANDSCAPE PLAN (SHEET 07 OF 11)
LA110	LIGHTING PLAN (SHEET 08 OF 11)
CA500	DETAIL SHEET (SHEET 09 OF 11)
CA501	DETAIL SHEET (SHEET 10 OF 11)
CA502	DETAIL SHEET (SHEET 11 OF 11)



LOCATION SKETCH
NOT TO SCALE

PREPARED FOR:
CHRISANNTHA CONSTRUCTION CORP.
4661 DEWEY AVENUE
GORHAM, NEW YORK 14461
PHONE: (585) 526-6376

PREPARED BY:
COSTICH ENGINEERING
217 LAKE AVENUE
ROCHESTER, NEW YORK 14608
PHONE: (585) 458-3020



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217 LAKE AVENUE
ROCHESTER, NY 14608
(585) 458-3020

**AMADA TOOL
AMERICA INC.
BUILDING EXPANSION
SITE DEVELOPMENT PLANS
4A TREADEASY AVENUE
CITY OF BATAVIA
COUNTY OF GENESEE
STATE OF NEW YORK**

MATERIALS MANAGEMENT PLAN (CONT.)

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217 LAKE AVENUE
ROCHESTER, NY 14601
(585) 458-3020

CITY OF BATAVIA COUNTY OF GENESEE,
STATE OF NEW YORK

CLIENT CHRISANNTHA CONSTRUCTION CORP.
4661 DEWEY AVENUE, P.O. BOX 165
GORHAM, NEW YORK 14451

DWG • 6793
GA002
SHEET 01 OF 05

[illegible]



GENESSEE & MOHAWK VALLEY RAILROAD COMPANY

NF
SUMMIT LUBRICANTS INC.
T.A. #084.013-01-042.014
4D TREADEASY AVENUE

NF
SUMMIT LUBRICATES INC.
T.A. #084.013-01-042.013
4D TREADEASY AVENUE
LIBER 843 PAGE 433

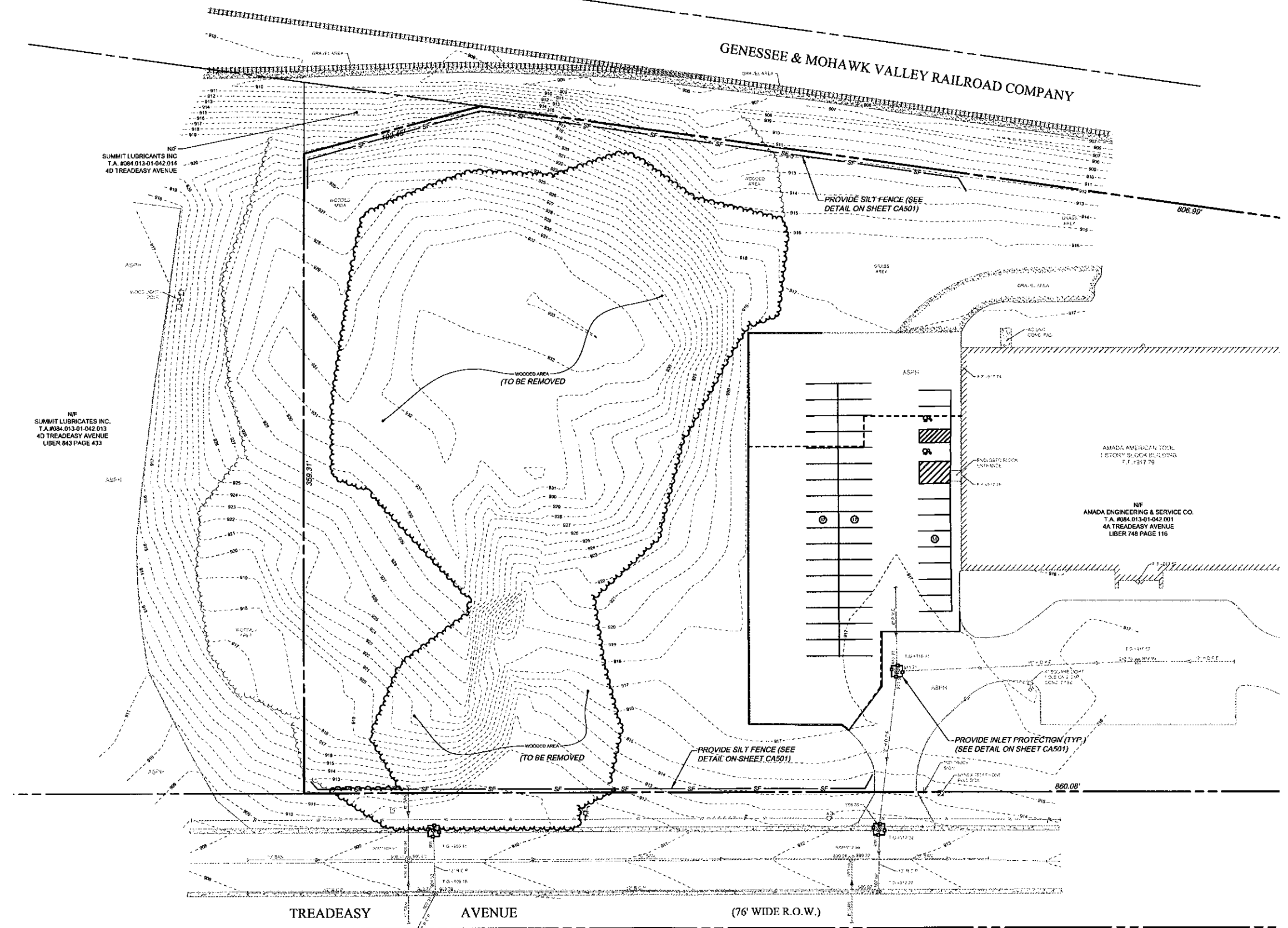
NF
AMADA ENGINEERING & SERVICE CO.
T.A. #084.013-01-042.001
4A TREADEASY AVENUE
LIBER 748 PAGE 116

LINE & SYMBOL LEGEND

- INLET PROTECTION
- SAW CUT/LIMIT PAVEMENT REMOVAL

DEMOLITION LEGEND

- EXISTING ASPHALT PAVEMENT TO BE REMOVED



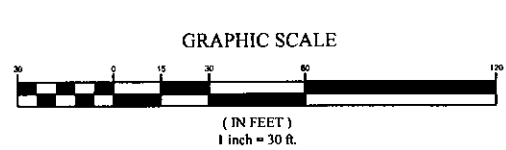
TREADEASY AVENUE (76' WIDE R.O.W.)

NF
INTERSTATE CHEMICAL CO INC
T.A. #084.013-01-042.002
4G TREADEASY AVENUE
LIBER 535 PAGE 00218

NF
9 APOLLO DRIVE INC.
T.A. #084.013-01-041
6 TREADEASY AVENUE

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EXISTING UTILITIES (LOCATION, SIZES AND INVERTS) SHOWN ON THE PLANS ARE APPROXIMATE AND ARE NOT CERTIFIED AS TO THE ACCURACY OF THEIR LOCATION OR COMPLETENESS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT LOCATIONS AND DEPTHS OF ALL UTILITIES AND STRUCTURES IN THE PATH OF, OR CLOSELY PARALLEL TO, OR UNDER, THE PROPOSED CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DELAYS OR DAMAGES OCCURRING AS A RESULT OF INCORRECTLY LOCATED UTILITIES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE VARIOUS UTILITY OWNERS IN AMPLE TIME FOR THEM TO LOCATE AND MARK THEIR FACILITIES. THE CONTRACTOR SHALL ALSO NOTIFY UNDERGROUND UTILITY LOCATION SERVICE AT LEAST 48 HOURS IN ADVANCE OF COMMENCING ANY WORK.



NO.	DATE	REVISION	BY	CHECK	APPROVE

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PROJECT ENGINEER
A.H.A.
DRAWN BY
D.J.L.
BOUNDARY
D.J.L.
DATE
09/26/2018
SCALE
1"=30'



- CIVIL ENGINEERING
- LAND SURVEYING
- LANDSCAPE ARCHITECTURE

TITLE OF PROJECT AMADA TOOL AMERICA INC. 4A TREADEASY AVENUE	TITLE OF DRAWING EXISTING FEATURES/ DEMOLITION PLAN
LOCATION OF PROJECT CITY OF BATAVIA COUNTY OF GENESSEE, STATE OF NEW YORK	CLIENT CHRISANTHA CONSTRUCTION CORP. 4661 DEWEY AVENUE, P.O. BOX 165 GORHAM, NEW YORK 14451
DWG # 6793 VA100	SHEET 03 OF 11

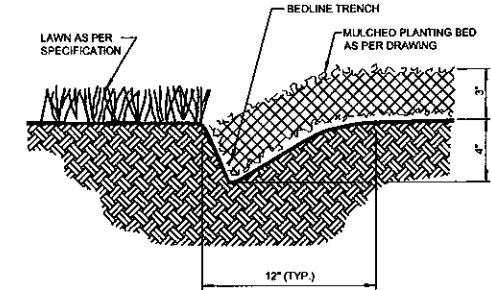
LANDSCAPE NOTES

- LANDSCAPE CONTRACTOR SHALL SECURE CURRENT PLANS AND SPECIFICATIONS FOR PROPER CONSTRUCTION METHODS AND MATERIAL OF ALL LANDSCAPING PRIOR TO COMMENCING WORK.
- ALL PLANTS SHALL MEET OR EXCEED THE MINIMUM REQUIREMENTS AS NOTED IN THE LATEST EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK, BY THE AMERICAN ASSOCIATION OF NURSEYMEN, INC., WASHINGTON, D.C.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR HIS OWN QUANTITY TAKEOFF.
- THE CONTRACTOR SHALL PERFORM A ROUGH FIELD STAKEOUT OF ALL PLANT MATERIAL AND SHRUB BEDS. LOCATIONS SHOWN ON THE PLANS CONVEY DESIGN INTENT ONLY. ACTUAL LOCATIONS WILL BE AS DIRECTED BY THE OWNER'S REPRESENTATIVE AT THE TIME OF INSTALLATION.
- THE CONTRACTOR IS HEREBY NOTIFIED THAT UNDERGROUND UTILITIES EXIST. SHOULD LOCATION OF TREES BE WITHIN 5' OF UNDERGROUND UTILITIES, RELOCATE SAID TREES TO A MINIMUM OF 5' FROM BALL TO UTILITIES.
- SHOULD LOCATION OF TREES BE WITHIN 20' OF OVERHEAD WIRES, RELOCATE SAID TREES TO A MINIMUM OF 20' FROM WIRES.
- STAKE TREES IMMEDIATELY AFTER PLANTING.
- ALL PLANTED AREAS SHALL RECEIVE A 3" LAYER OF BLACK SHREDDED BARK MULCH OR APPROVED ALTERNATE.
- ALL DISTURBED AREAS NOT RECEIVING PLANTINGS (INCLUDING RIGHT-OF-WAYS) SHALL RECEIVE TOPSOIL AND SEED.
- MAINTENANCE OF LANDSCAPE PLANTINGS SHALL BE GUARANTEED FOR ONE YEAR (1) YEAR.
- ANY PLANT MATERIAL WHICH DIES, TURNS BROWN, OR DEFOOLIATES (PRIOR TO TOTAL AND FINAL ACCEPTANCE OF THE WORK) SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, SIZE, AND QUANTITY MEETING ALL PLANT LIST SPECIFICATIONS.
- PLANTING BACKFILL MIXTURE SHALL CONSIST OF 3 PARTS TOPSOIL AND 1 PART COMPOST THOROUGHLY MIXED.

LAWN SEED MIX

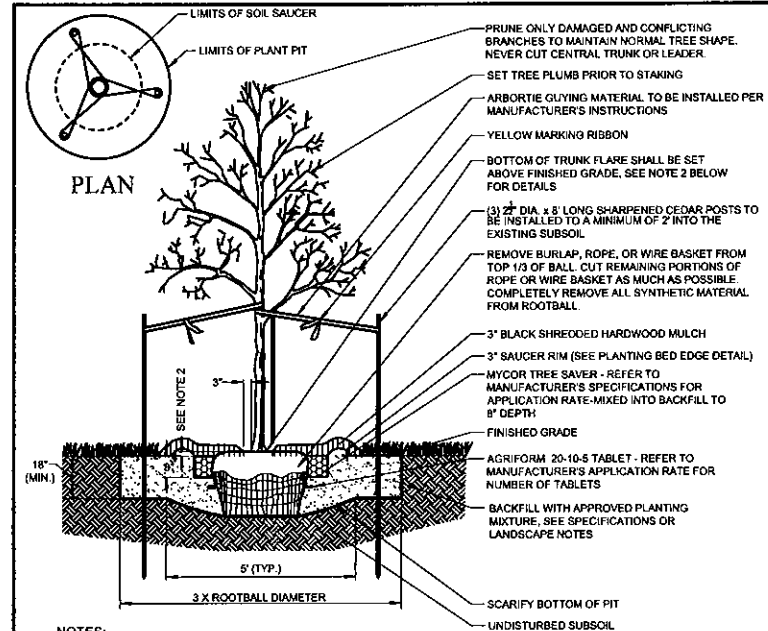
TRIO MIX
34% BLEND OF 3 OF OUR TOP RATED PERENNIAL RYEGRASSES
33% BOREAL CREEPING RED FESCUE
33% KENBLUE KENTUCKY BLUEGRASS
SEEDING RATE: 5 LBS PER 1,000 SQ FT

GENESSEE & MOHAWK VALLEY RAILROAD COMPANY



PLANTING BED EDGE TREATMENT DETAIL

NOT TO SCALE



NOTES:

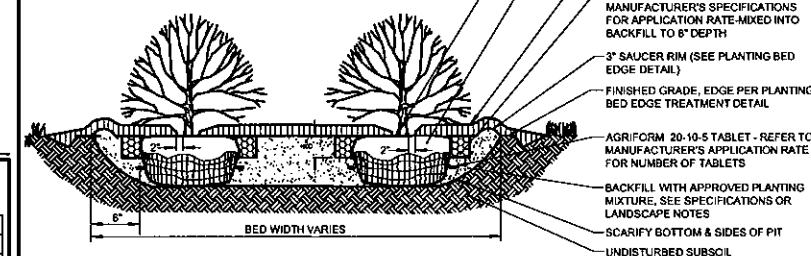
- MAINTAIN A 3" MINIMUM RADIUS CLEAR OF MULCH AROUND THE TRUNK.
- THE DISTANCE BETWEEN THE BOTTOM OF THE TRUNK FLARE AND THE FINISHED GRADE SHALL BE AS FOLLOWS:
FOR SANDY OR LOAMY SOILS: 1"
FOR CLAY OR POORLY DRAINED SOILS: 3"
THE CONTRACTOR SHALL REVIEW THE APPROPRIATE PLANTING DEPTH WITH THE OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION.
- WHEN TAGGING TREES AT THE NURSERY, MARK THE NORTH SIDE OF THE TREE IN THE FIELD AND WHEN INSTALLING, ROTATE TREE TO FACE NORTH WHENEVER POSSIBLE.

DECIDUOUS TREE PLANTING LESS THAN 4" CAL. DETAIL

NOT TO SCALE

NOTES:

- MAINTAIN A 2" MINIMUM RADIUS CLEAR OF MULCH AROUND THE TRUNK.
- PLANTING BED DEPTH IN LAWN AREAS SHALL BE A MINIMUM OF 18" DEEP AND/OR AS DIRECTED BY THE OWNER'S REPRESENTATIVE.
- ALL PLANTING BEDS SHALL BE FREE OF CONSTRUCTION DEBRIS.



SHRUB PLANTING DETAIL

NOT TO SCALE

TREADEASY

AVENUE

(76' WIDE R.O.W.)

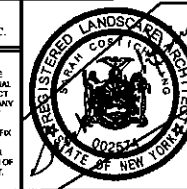
PLANT SCHEDULE

QTY.	KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT NOTE	MATURE SIZE
TREES						
1	Ns	NYSSA SYLVATICA 'WILDFIRE'	WILDFIRE BLACKGUM	2-2.5" CAL.	BB	20-25' SPREAD, 30-50' HEIGHT
SHRUBS						
6	Bx	BUXUS X 'GREEN GEM'	GREEN GEM BOXWOOD	NO.3	CONT.	3-4' SPREAD, 3-4' HEIGHT

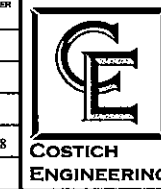
ABBREVIATIONS: BB = BALLED & BURLAPPED SP = SPREAD NO. # = GALLON SIZE BR = BARE ROOT CAL = CALIPER IN INCHES HT = HEIGHT CONT. = CONTAINER

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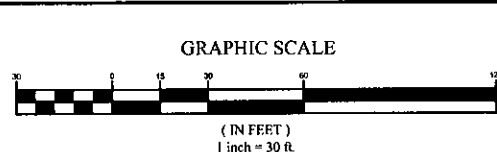
PROJECT ENGINEER
A.H.A.
DRAWN BY
D.I.L.
CHECKED BY
D.I.L.
TOPGRAPHIC
D.I.L.
DATE
09/26/2018
SCALE
1"=30'



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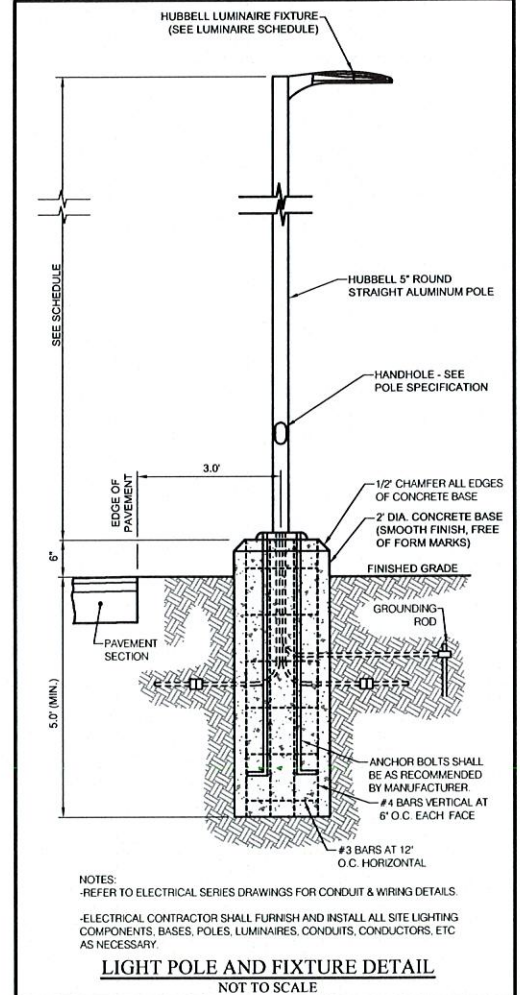
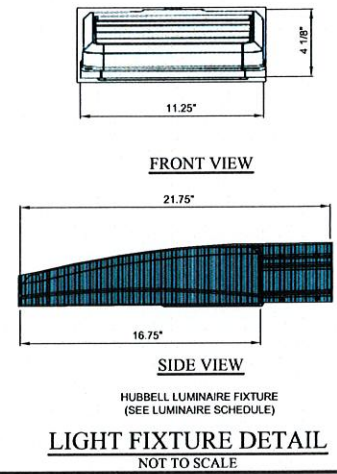
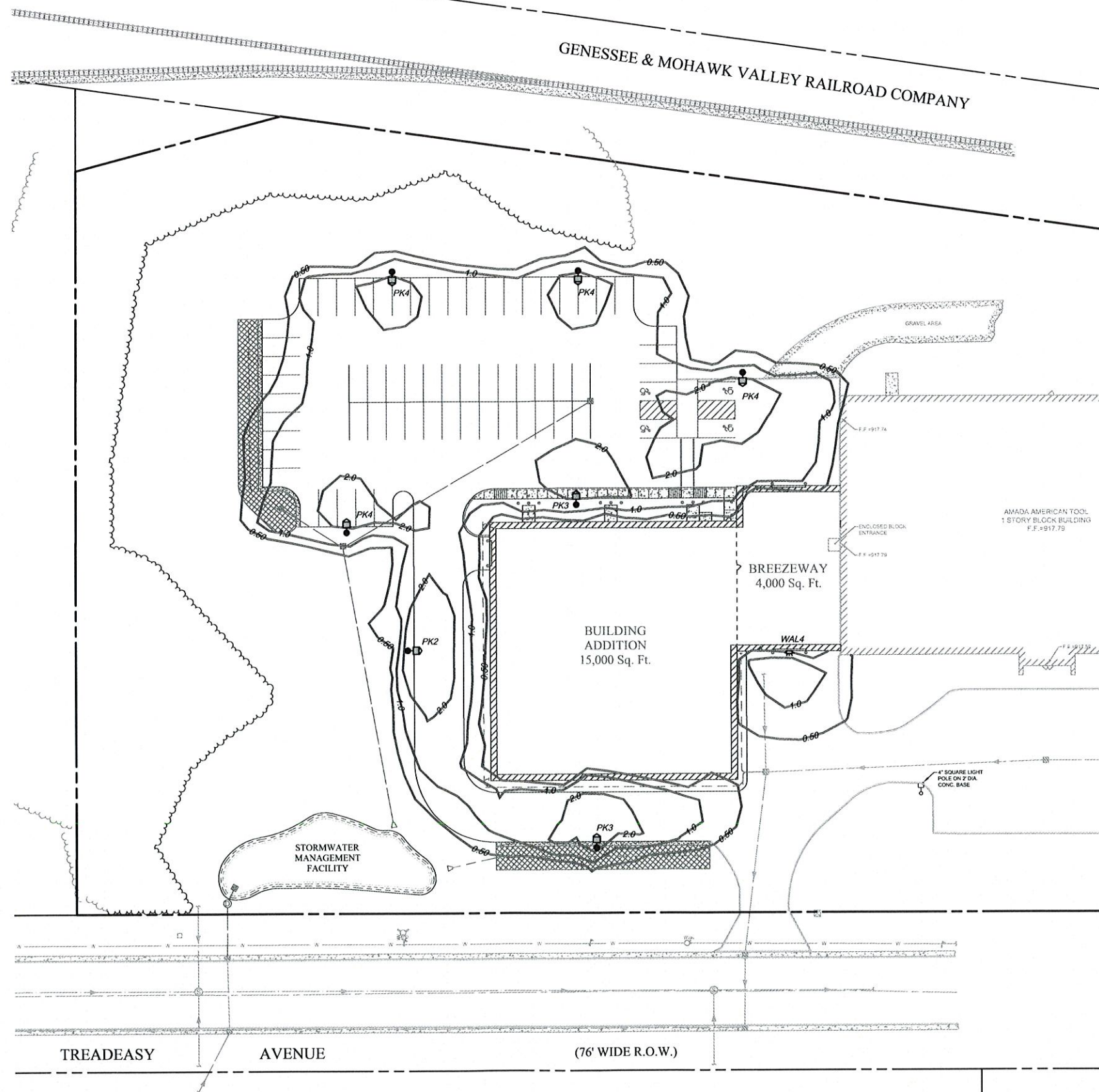
TITLE OF PROJECT
AMADA TOOL AMERICA INC.
4A TREADEASY AVENUE
TITLE OF DRAWING
LANDSCAPE PLAN
LOCATION OF PROJECT
CITY OF BATAVIA COUNTY OF GENESSEE,
STATE OF NEW YORK
CLIENT
CHRISANTHA CONSTRUCTION CORP.
4661 DEWEY AVENUE, P.O. BOX 165
GORHAM, NEW YORK 14461
DWS # 6793
LA100
SHEET 07 OF 11

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LINE LEGEND

	PROJECT BOUNDARY
	EXISTING RIGHT-OF-WAY LINE
	EXISTING CONCRETE CURB
	EXISTING EDGE OF PAVEMENT
	PROPOSED CONCRETE CURB
	PROPOSED EDGE OF PAVEMENT
	EXISTING EDGE OF GRAVEL
	EXISTING BUILDING
	PROPOSED BUILDING
	EXISTING WATER MAIN, VALVE, & HYDRANT
	EXISTING SANITARY SEWER, & MANHOLE
	EXISTING DRAINAGE SEWER, FIELD INLET, INLET MANHOLE, MANHOLE, & END SECTION
	EXISTING OVERHEAD UTILITIES
	EXISTING CONCRETE PAD/ CONCRETE SIDEWALK
	EXISTING GUARD RAIL
	BARBED WIRE, STOCKADE & CHAIN LINK FENCE
	PROPOSED DRAINAGE SEWER, FIELD INLET, INLET MANHOLE, MANHOLE, & END SECTION



LUMINAIRE SCHEDULE

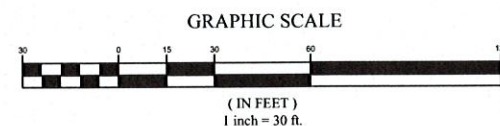
TYP	SYMBOL	DESCRIPTION	LAMP	LUMENS	POLE/BASE/MTG. HGT.	LLF	QTY
PK2		HUBBELL LIGHTING TYPE 2 (1) "S2A" VP-S-48L-110-4K7-2	(1)	15366	24 feet / 0.5 feet / 24.5 feet	0.85	1
PK3		HUBBELL LIGHTING TYPE 3 (1) "S3A" VP-S-48L-110-4K7-3	(1)	15366	24 feet / 0.5 feet / 24.5 feet	0.85	2
PK4		HUBBELL LIGHTING TYPE 4 (1) "S4A" VP-S-48L-110-4K7-4	(1)	15221	24 feet / 0.5 feet / 24.5 feet	0.85	4
WAL4		HUBBELL LIGHTING TYPE 4 (1) "S4" VP-S-24L-27-4K7-4	(1)	15221	N/A	0.85	1

Dig Safely. New York
Underground Facilities Protective Organization

- Call Before You Dig
- Wait The Required Time
- Confirm Utility Response
- Respect The Marks
- Dig With Care

800-962-7962
www.digsafelynewyork.com

EXISTING UTILITIES (LOCATION, SIZES AND INVERTS) SHOWN ON THE PLANS ARE APPROXIMATE AND ARE NOT CERTIFIED AS TO THE ACCURACY OF THEIR LOCATION OR COMPLETENESS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT LOCATIONS AND DEPTHS OF ALL UTILITIES AND STRUCTURES IN THE PATH OF, OR CLOSELY PARALLEL TO, OR UNDER, THE PROPOSED CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DELAYS OR DAMAGES OCCURRING AS A RESULT OF INCORRECTLY LOCATED UTILITIES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE VARIOUS UTILITY OWNERS IN AMPLIE TIME FOR THEM TO LOCATE AND MARK THEIR FACILITIES. THE CONTRACTOR SHALL ALSO NOTIFY UNDERGROUND UTILITY LOCATION SERVICE AT LEAST 48 HOURS IN ADVANCE OF COMMENCING ANY WORK.



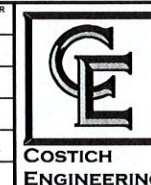
NO	DATE	REVISION	BY	CHKD	APVLS

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PROJECT ENGINEER
A.H.A.
DRAWN BY
D.J.L.
BOUNDARY
TOPOBASE
D.J.L.
DATE
09/26/2018
SCALE
1"=30'



- CIVIL ENGINEERING
- LAND SURVEYING
- LANDSCAPE ARCHITECTURE

217 LAKE AVENUE
ROCHESTER, NY 14608
(585) 458-3020

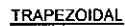
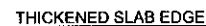
TITLE OF PROJECT
AMADA TOOL AMERICA INC.
4A TREADEASY AVENUE

TITLE OF DRAWING
LIGHTING PLAN

LOCATION OF PROJECT
CITY OF BATAVIA COUNTY OF GENESEE,
STATE OF NEW YORK

CLIENT
CHRISANTHIA CONSTRUCTION CORP.
4661 DEWEY AVENUE, P.O. BOX 165
GORHAM, NEW YORK 14461

DWG # 6793
LA110
SHEET 08 OF 11

[illegible]

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PROJECT ENGINEER	A.H.A.
DRAWN BY	D.J.L.
BOUNDARY	--
TOPORBASE	--
DATE	09/26/2018
SCALE	N.T.S.



- CIVIL
ENGINEERING
- LAND
SURVEYING
- LANDSCAPE
ARCHITECTURE

217 LAKE AVENUE
ROCHESTER, NY 14608
(585) 458-3020

TITLE OF PROJECT AMADA TOOL AMERICA INC. 4A TREADEASY AVENUE	
TITLE OF DRAWING DETAILS	
LOCATION OF PROJECT CITY OF BATAVIA COUNTY OF GENESEE, STATE OF NEW YORK	
CLIENT CHRISANNTHA CONSTRUCTION CORP. 4661 DEWEY AVENUE, P.O. BOX 165 CORBALE, NEW YORK 14038	DWG. # 6793 CA500 SHEET 00 OF 01

NON TRAFFIC INSTALLATION

DRAIN BASIN

GRATE/COVER

TOP SOIL

4" MIN ON 8" - 24"

6" MIN ON 30"

THE BACKFILL MATERIAL SHALL BE CRUSHED STONE OR OTHER GRANULAR MATERIAL MEETING THE REQUIREMENTS OF CLASS I, CLASS II, OR CLASS III MATERIAL AS DEFINED IN ASTM D2321. BEDDING & BACKFILL FOR SURFACE DRAINAGE INLETS SHALL BE PLACED & COMPACTED UNIFORMLY IN ACCORDANCE WITH ASTM D2321.

INLINE DRAIN

GRATE/COVER

TOP SOIL

THE BACKFILL MATERIAL SHALL BE CRUSHED STONE OR OTHER GRANULAR MATERIAL MEETING THE REQUIREMENTS OF CLASS I, CLASS II, OR CLASS III MATERIAL AS DEFINED IN ASTM D2321. BEDDING & BACKFILL FOR SURFACE DRAINAGE INLETS SHALL BE PLACED & COMPACTED UNIFORMLY IN ACCORDANCE WITH ASTM D2321.

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3130 VERONA AVE
BUFORD, GA 30518
PHN (770) 932-2443
FAX (770) 932-2490
www.nyloplast-us.com

NYLOPLAST

TITLE DRAIN BASIN & INLINE DRAIN
NON TRAFFIC INSTALLATION

DWG NO. 7001-110-111 REV E

DRAWN BY CJA MATERIAL
DATE 9-30-99
REVISED BY NMH PROJECT NO. NAME
DATE 03-11-16
DWG SIZE A SCALE N.T.S. SHEET 1 OF 1

TYPICAL INSTALLATIONS

TYPICAL INSTALLATION OF NYLOPLAST DRAIN BASIN AND INLINE DRAIN

1. STRUCTURES & ADAPTERS AVAILABLE IN SIZES 8" - 30"
2. ADAPTERS CAN BE MOUNTED ON ANY ANGLE 0° TO 360°, TO DETERMINE MINIMUM ANGLE BETWEEN ADAPTERS SEE DRAWING NO. 7001-110-012
3. DRAIN BASIN TO BE CUSTOM MANUFACTURED ACCORDING TO PLAN DETAILS RISERS ARE NEEDED FOR BASINS OVER 84" DUE TO SHIPPING RESTRICTIONS SEE DRAWING NO. 7001-110-065

1: TO ENTER AN EXISTING LINE USING A TEE & RISER

2: AT THE BEGINNING OF A DRAIN LINE USING AN ELBOW & RISER

3: VARIABLE ELEVATION

WATERTIGHT ADAPTERS AVAILABLE FOR MOST COMMON PLASTIC PIPING SYSTEMS

8" CORRUGATED HOPE PIPE

6" CORRUGATED HOPE PIPE

SMOOTH WALL PVC

12" DRAIN BASIN

10" INLET & OUTLET ADAPTERS CAN BE PUT ON ANY ANGLE

10" INLINE DRAIN

10" INLINE DRAIN

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FAX (770) 932-2490
www.nyloplast-us.com

NYLOPLAST

TITLE 8 IN - 30 IN TYPICAL
INSTALLATION OPTIONS

DWG NO. 7001-110-042 REV D

DRAWN BY AWA MATERIAL
DATE 8-10-00
REVISED BY EBC PROJECT NO. NAME
DATE 1-8-10
DWG SIZE A SCALE N.T.S. SHEET 1 OF 1

Section 2722

Engineered Surface Drainage Products

GENERAL

PVC surface drainage inlets shall be of the inline drain type as indicated on the contract drawing and referenced within the contract specifications. The ductile iron grates for each of these fittings are to be considered an integral part of the surface drainage inlet and shall be furnished by the same manufacturer. The surface drainage inlets shall be as manufactured by Nyloplast a division of Advanced Drainage Systems, Inc. or prior approved equal.

MATERIALS

The inline drain required for this contract shall be manufactured from PVC pipe stock, utilizing a thermofusing process to reform the pipe stock to the finished configuration. The drainage pipe connection shall be manufactured from PVC pipe stock and formed to provide a watertight connection with the specified pipe system. The joint between shall conform to ASTM D3212 for joints for drain and sewer plastic pipe using flexible elastomeric seals. The flexible elastomeric seals shall conform to ASTM F477. The pipe shall be joined to the inline drain body by use of a swage mechanical joint. The raw material used to manufacture the pipe stock that is used to manufacture the inline drain body and pipe stubs of the surface drainage inlets shall conform to ASTM D1764 cell class 12434.

The grates furnished for all surface drainage inlets shall be ductile iron grates for sizes 8", 10", 12", 18", 24" and 30" shall be made specifically for each fitting so as to provide a round bottom flange that closely matches the diameter of the surface drainage inlet. Grates for inline drains shall be capable of supporting H-20 wheel loading for traffic areas or H-10 loading for pedestrian areas. 12" and 18" square grates will be fitted to the frame using pins. Metal used in the manufacture of the castings shall conform to ASTM A536 grade 70-50-05 for ductile iron. Grates shall be provided painted black.

INSTALLATION

The specified PVC surface drainage inlet shall be installed using conventional flexible pipe bedding materials and procedures. The bedding material shall be crushed stone or other granular material meeting the requirements of class 1, class 2, or class 3 material as defined in ASTM D2321. Bedding and backfill for surface drainage inlets shall be well placed and compacted uniformly in accordance with ASTM D2321. The drain basin body will be cut at the time of the final grade. No brick, stone or concrete block will be required to set the grate to the final grade height. For 4-22 load rated installations, a concrete ring will be poured under and around the grate and frame. The concrete slab must be designed taking into consideration local soil conditions, traffic loading, and other applicable design factors. For other installation considerations such as migration of free ground water, and soft foundations refer to ASTM D2321 guidelines.

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FAX (770) 932-2490
www.nyloplast-us.com

NYLOPLAST

TITLE 8 IN - 30 IN DRAIN BASIN
SPECIFICATIONS

DWG NO. 7001-110-009 REV H

DRAWN BY CJA MATERIAL
DATE 3-10-00
REVISED BY NMH PROJECT NO. NAME
DATE 03-15-16
DWG SIZE A SCALE N.T.S. SHEET 1 OF 1

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STATE OF NEW YORK
COSTICH ENGINEERING, D.P.C.
Professional Engineer

PROJECT ENGINEER
A.H.A.
DRAWN BY
D.J.L.
BOUNDARY
--
TOPOGRA--
--
DATE
09/26/2018
SCALE
N.T.S.

COSTICH ENGINEERING

217 LAKE AVENUE
ROCHESTER, NY 14608
(585) 458-3020

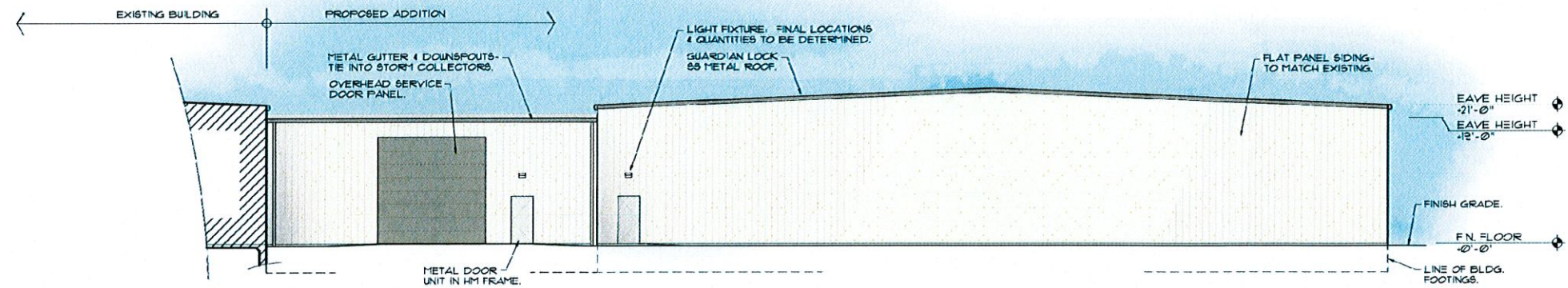
TITLE OF PROJECT
AMADA TOOL AMERICA INC.
4A TREADEASY AVENUE

TITLE OF DRAWING
DETAILS

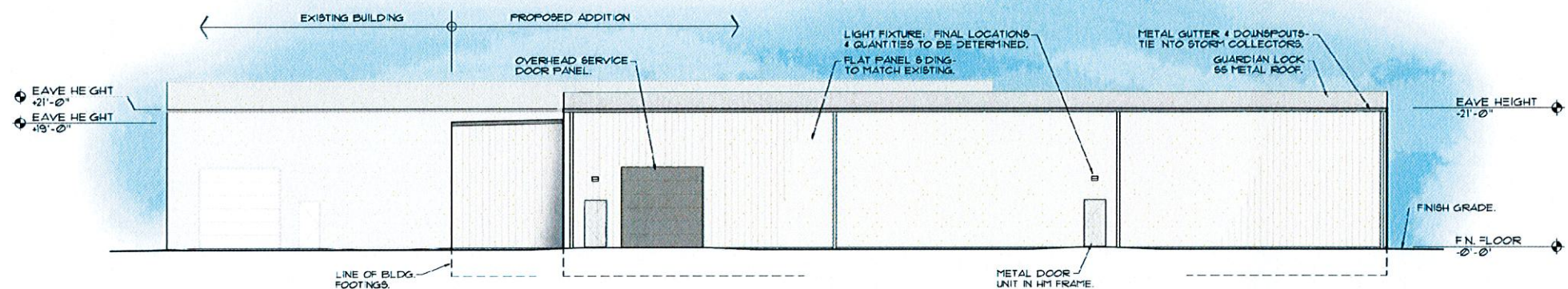
LOCATION OF PROJECT
CITY OF BATAVIA COUNTY OF GENESEE,
STATE OF NEW YORK

CLIENT
CHRISANNTHA CONSTRUCTION CORP.
4661 DEWEY AVENUE, P.O. BOX 165
GORHAM, NEW YORK 14461

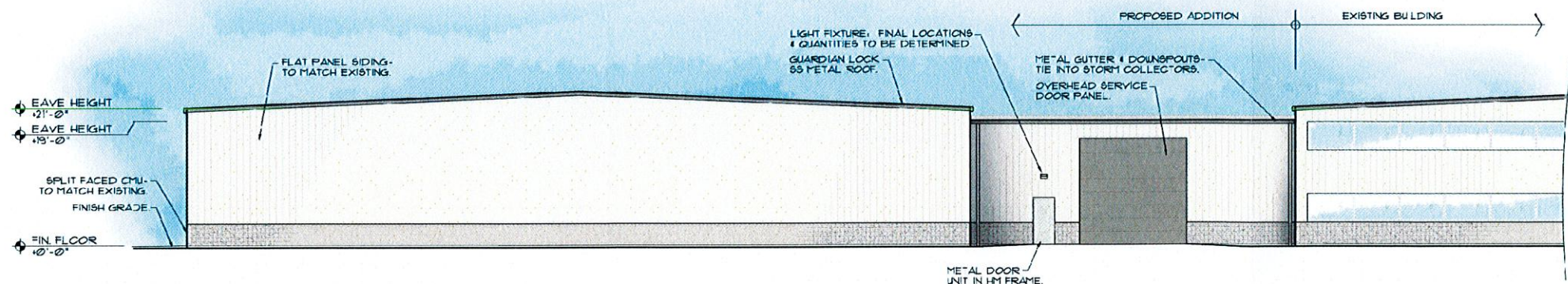
DWG # 6793
CA502
SHEET 11 OF 11



4 NORTH ELEVATION- ADDITION
SCALE: 3/32" = 1'-0"



3 WEST ELEVATION- ADDITION
SCALE: 3/32" = 1'-0"



2 SOUTH ELEVATION- ADDITION
SCALE: 3/32" = 1'-0"



1 SOUTH ELEVATION- OVERALL
SCALE: 3/64" = 1'-0"

HNH ARCHITECTS

1300 UNIVERSITY AVENUE
ROCHESTER, NY 14607
WWW.HANLONARCHITECTS.COM

CHRISANTHIA
CONSTRUCTION CORPORATION

P.O. Box 163
Garden, New York 14461
Phone: (585) 526-0376

Amada Tool America
Building Addition

4A Treadeasy Avenue
Batavia, New York

REVISED:

PRELIMINARY
DATE: 9-26-18

EXTERIOR
ELEVATIONS

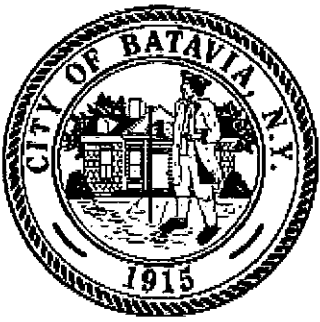
DRAWING TITLE:

A2

SHEET NO:

PROJECT NO:

18-114



City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020

(585)-345-6345

(585)-345-1385 (fax)

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

From: Doug Randall, Code Enforcement Officer

Date: 10/2/18

Re: **312 Ellicott St.**
Tax Parcel No. 84.066-2-66

Zoning Use District: C-3 (BID)

The applicant, Rick Mancuso (owner) has filed an application to demolish and remove a “non-conforming use” two family dwelling from this parcel located in the Central Commercial District. The applicant proposes to redevelop the parcel for use as a permitted principal use parking area.

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 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 all applications that involve exterior changes requiring issuance of a demolition permit on properties located within the Downtown Batavia Business Improvement District.

BMC 190-14D (2)(d)

Standards to guide committee- See attached

BMC 190-42 G

Landscaping regulations- See attached

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

The neighboring building immediately to the west is 310 Ellicott St. and consists of a first floor commercial use with a residential use on the second floor. This structure is presently vacant.

The neighboring property to the south is 2 Goade Pk. and is occupied as a two family residential use property.

Site restrictions do not allow enough room for proper buffers.

Required variances- Area

- 1) **BMC 190-42 G(1) A 10' buffer of trees, shrubs, plants and grass is required along the property lines in contact with residential use properties. No plantings are proposed between this parcel and the two neighboring residential use properties.**
- 2) **BMC 190-42 G(2) A 6' tall fence with less than 25% open spaces is required along the lot lines in contact with residential use properties. No fence is proposed along the property lines adjoining 310 Ellicott St. There is an existing fence on this property parallel with 2 Goade Pk., the residential use parcel to the south.**

The Planning and Development Committee will be the lead agency to conduct SEQR.

SEND OR DELIVER TO:

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

DEPARTMENT USE ONLY:

GCDP Referral # _____



*** GENESEE COUNTY ***
PLANNING BOARD REFERRAL

Required According to:

GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N
(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATIONBoard(s) PDC and ZBAAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345 - 6347 Ext. _____**2. APPLICANT INFORMATION**Name Rick Mancuso Main & Ellicott Properties LLCAddress 216 East Main St.City, State, Zip Batavia, NY 14020Phone (585) 345 - 1000 Ext. _____ Email _____MUNICIPALITY: ☒ City ☐ Town ☐ Village of Batavia**3. TYPE OF REFERRAL:** (Check all applicable items)☒ Area Variance☐ Use Variance☐ Special Use Permit☐ Site Plan Review☐ Zoning Map Change☐ Zoning Text Amendments☐ Comprehensive Plan/Update☒ Other: Approval B.I.D. dist.☐ Subdivision Proposal☐ Preliminary☐ Final**4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:**A. Full Address 312 Ellicott St.B. Nearest intersecting road Goade Pk.C. Tax Map Parcel Number 84.066-2-66D. Total area of the property 4487 sq.' 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

BMC 190- 42 G (1) and 190-42 G (2)C. Please describe the nature of this request Approval to remove the building on a parcel located within the B.I.D. and create a space for parking without proper buffers.**6. ENCLOSURES** – Please enclose copy(s) of all appropriate items in regard to this referral☒ Local application☒ Site plan☐ Subdivision plot plans☒ SEQR forms☐ Zoning text/map amendments☐ Location map or tax maps☐ Elevation drawings☐ Agricultural data statement☐ New or updated comprehensive plan☒ Photos☒ Other: Cover letter

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

Email to planning@co.genesec.ny.us**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, New York
Building Demolition Application – Permit

Permit No. _____

Applicant's Name MAIN + ELLIOTT PROPERTIES LLC

Address 216 E MAIN ST BATAVIA Phone 585-345-1000

Owner's Name MAIN + ELLIOTT PROPERTIES LLC

Address 216 E MAIN ST BATAVIA NY 14020

Location of Structure 312 ELLIOTT ST Type of Structure VACANT HOUSE

Last Use of Structure RENTAL No. of Dwelling Units ONE

Starting Date ASAP Extent of Demolition COMPLETE

Insurance Certificates: Workman's Compensation _____ Expiration Date _____

Liability Insurance _____ Expiration Date _____

Explosives to be used? Yes _____ No X

If yes, name and address of Licensed Operator _____

Notification of City Departments & Utilities via signature:

	Notified	Terminated
Police Chief	_____	_____
Fire Chief	_____	_____
Water Superintendent	_____	_____
Sewer Inspector	_____	_____
Power Company	_____	_____
Gas Company	_____	_____
Telephone Company	_____	_____
Cablevision	_____	_____

Method of Demolition LARGE EQUIPMENT

I (We) hereby agree to be bound by the provisions of the Ordinances, Specifications, and Regulations of the City of Batavia governing demolition work and to such special conditions, restrictions, and regulations as may be imposed by the Director of Public Works.

[Signature]
Signature of Applicant

9/5/18
Date



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 18-16
Hearing Date/Time: _____

APPLICANT: RICK MANCUSO RICK@MANCUSOINVESTMENTS.COM
Name E-Mail Address
216 E MAIN ST 585 345 1000 345 1003
Street Address Phone Fax
BATAVIA NY 14020
City State Zip

STATUS: ☒ Owner _____ Agent for Owner _____ Contractor

OWNER: MAIN & ELLICOTT PROPERTIES LLC
Name E-Mail Address
216 E MAIN ST 585 345 1000 345 1003
Street Address Phone Fax
BATAVIA NY 14020
City State Zip

LOCATION OF PROPERTY: 312 Ellicott St.

DETAILED DESCRIPTION OF REQUEST: REMOVAL OF VACANT RESIDENCE
TO CREATE PARKING FOR NEIGHBORING
OFFICE/RETAIL COMPLEX

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.

[Signature]
Applicant's Signature

9/20/18
Date

[Signature]
Owner's Signature

9/20/18
Date



To be Filled out by Zoning Officer

TAX PARCEL: 84.066-2-66 ZONING DISTRICT: C-3 FLOOD PLAIN: A-H

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

Provision(s) of the Zoning Ordinance Appealed: BMC 190-42 G(1) A 10' Buffer of trees, shrubs, Plants and grass is req. along the lot lines in Contact w/ Res. Use properties.
BMC 190-42 G(2) A 6' tall fence with less than 25% open spaces is req. along the lot lines in Contact with Res. Use properties.

Criteria to Support Area Variance

In making its determination, the zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, moral, aesthetics and welfare of the neighborhood or community. The Zoning Board of Appeals shall consider the following test, as per §81-b of the General City Law when making its determination:

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

1. **Undesirable Change in neighborhood Character.** The granting of the variance will not produce an undesirable change in the neighborhood or a detriment to nearby properties.
PROPERTY IS VACANT AND IS THE CORNER LOT WHICH IF DEVELOPED WOULD BE OF BENEFIT TO EXISTING TENANTS FORRENTS + CUSTOMERS
2. **Alternative Cure Sought.** There are no other means feasible for the applicant to pursue that would result in the difficulty being avoided or remedied, other than the granting of the area variance. THE TENANTS THAT RENT THE PROPERTY AT 314 ELLIOTT NEED MORE ACCESSIBLE PARKING ANY NO OTHER OPTIONS EXIST.
3. **Substantiality.** The requested area variance is not substantial. THE VARIANCE REQUESTED IS ABUTTED BY A CONDEMNED BUILDING AND A DRIVEWAY FOR A RENTAL PROPERTY
4. **Adverse Effect or Impact.** The requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or community.
IT IS OF OUR BELIEF THAT IF GIVEN THE VARIANCE AND ABILITY TO MOVE FORWARD THE REMOVAL OF A VACANT STRUCTURE WOULD HAVE NO ADVERSE EFFECT TO THE NEIGHBORHOOD / COMMUNITY
5. **Not Self-Created.** The alleged difficulty existed at the time of the enactment of the provision or was created by natural force or governmental action, and was not the result of any action by the owner or the predecessors in title. NO, Not Self-Created


Applicant's Signature

9/20/18
Date

617.20
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: PARKING ENHANCEMENT			
Project Location (describe, and attach a location map): 312 ELLICOTT ST, BATAVIA, NY 14020			
Brief Description of Proposed Action: REMOVAL OF VACANT RESIDENCE PRIMARILY BOUNDED BY COMMERCIAL/RETAIL PROPERTIES TO CREATE GREATER PARKING AVAILABILITY FOR EXISTING TENANTS			
Name of Applicant or Sponsor: RIKIMANKUSO MAIN & ELLICOTT PROPERTIES, LLC		Telephone: 585 345 1000 E-Mail: RIKIMANKUSOINVESTMENTS.COM	
Address: 216 E MAIN ST.			
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 X	YES
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 X	YES
3.a. Total acreage of the site of the proposed action?		.10 acres	
b. Total acreage to be physically disturbed?		.10 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.10 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input checked="" 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?	NO	YES	N/A
		X	
b. Consistent with the adopted comprehensive plan?		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?	NO	YES	
	X		
b. Are public transportation service(s) available at or near the site of the proposed action?	X		
	X		
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	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?	NO	YES	
	X		
b. Is the proposed action located in an archeological sensitive area?	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?	NO	YES	
	X		
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: _____	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 checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	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	NO	YES	
	X		
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <u>Sheet drain to street storm sewer system</u> <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	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 <i>MAIN ELECTRIC PROPERTIES, LLC</i> Applicant/sponsor name: <i>X RICK MANCINI</i> Date: <i>9/20/18</i> Signature: <i>[Signature]</i>		

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?"

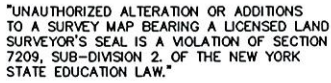
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the 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: a. public / private water supplies? b. public / private wastewater treatment utilities?		
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?		

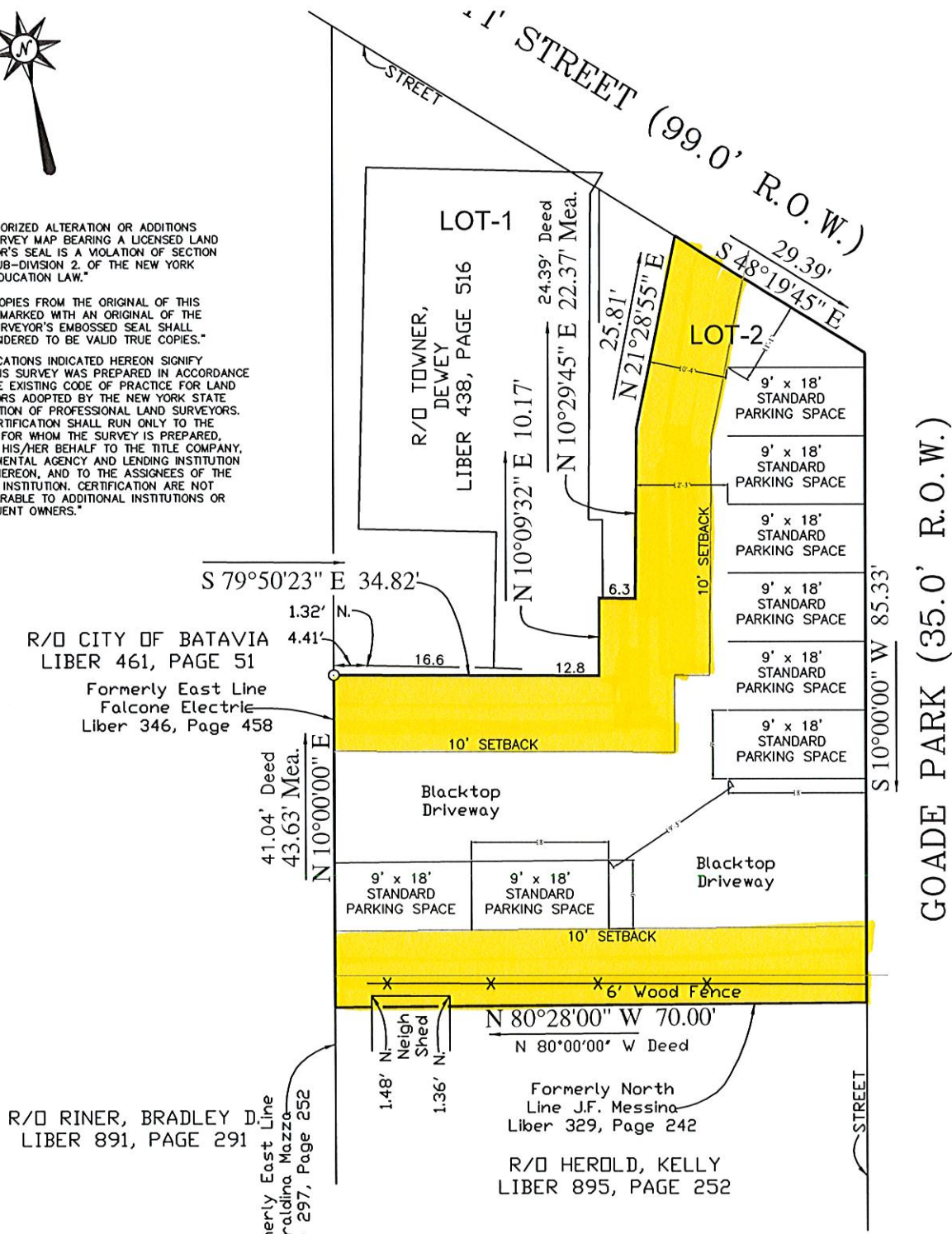
Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant 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.

- ☐ 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)



"CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATION SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, TO ANY OF HIS/HERSELF TO THE TITLE COMPANY, GOVERNING AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATION ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS."



Google Maps 319 Ellicott St



Image capture: Sep 2017 © 2018 Google

Batavia, New York

Google, Inc.

Street View - Sep 2017





2 Goode Pl.

312 Ellicott St.

310 Ellicott St.

Goode Park

63 Ellicott St.

Hardship criteria and procedures. An applicant whose application to the Committee has been denied may apply to the Zoning Board of Appeals for relief on the grounds that the Committee standards are working a hardship upon him. To prove the existence of a hardship, the applicant shall establish that:

- [1] The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible, if the application is denied. Dollars-and-cents proof shall be presented to the Zoning Board of Appeals by the applicant which demonstrates to the satisfaction of the Zoning Board of Appeals that the applicant's claim of hardship is well founded.
- [2] The property cannot be adapted for any other use permitted by this chapter in the zoning district in which the property is located, whether by the current owner or by a purchaser, which would result in a reasonable return.
- [3] In an application for demolition, reasonable good faith efforts to find a purchaser interested in acquiring the property and preserving it were made and have failed. The Zoning Board of Appeals will hold a public hearing on the hardship application within 90 days of filing the hardship application. Decisions on hardship applications shall be made not later than 60 days from the date of the final hearing.

190-14 D (2) (d) **Standards to guide Committee.** To approve or disapprove an application, the Committee shall consider whether the proposed alteration or construction is compatible with the structure on the property and/or the surrounding properties in the Downtown Batavia Business Improvement District with regard to:

- [1] Neighborhood context. New construction shall be sympathetic to older buildings that surround it.
 - [a] New construction should remain the common setback distance of its neighbors. In the case of a discrepancy of setbacks, the new building should align with at least one of the neighboring buildings.
 - [b] Buildings situated at corners should "wrap" the corner by continuing certain facade elements (such as the cornice or horizontal accent bands) on all street elevations.
 - [c] Main building entrances should face the street whenever possible, should be easily identifiable and scaled to the size of the street which they are on.
 - [d] In the case of large structures, the overall building mass should be made up of smaller components. Large, uninterrupted building masses should be avoided.
 - [e] Additional parking which is required to accommodate a new building should be located in back or in a central courtyard and should be out of sight from the street.
 - [f] Parking lots, service areas and courtyards located within sight of the street should be screened with trees and a low wall or fence to help maintain the street edge. Such parking lots should incorporate a minimum of 10% green space in the parking area.
 - [g]

In the case of larger developments which may occupy an entire block, pedestrian paths which allow the public to circulate through a site are encouraged.

[2] Building height and roof design.

- [a] The height of a building should take into account the heights of buildings in the immediate area. The height of proposed structures should be at least as tall as the lowest of the two neighboring buildings, but no less than two stories, especially at corners and intersections.
- [b] New facades should attempt to coordinate the relative heights of elements with adjacent buildings.
- [c] Longer buildings should provide fluctuations in the roofline which break up the long run of facade and which attract attention to key places such as entryways.
- [d] Air-handling equipment, antennas, satellite dishes and other mechanical equipment should be placed in such a manner as not to be visible from the street.

[3] Building scale.

- [a] The overall facade composition should break the building down into smaller distinct portions to provide a relatively small human scale that is in keeping with the buildings around it.
- [b] The size and scale of materials should complement the size and scale of a building. Small scale materials such as brick and wood are encouraged around pedestrian areas.

[4] Building proportions. The relative shape of a building and its parts with regards to width and height.

- [a] New construction should be sympathetic to the proportions of the surrounding buildings.
- [b] Facade elements such as windows and bays should be of a consistent proportion to each other. Elements which share a common area (e.g., all of the windows at the base level) should be of a consistent proportion and size as well.
- [c] Buildings which are "squat" in proportion or which have very strong horizontal elements that dominate the facade are discouraged.

[5] Facade composition and rhythm. The arrangement of facade elements in a recognizable and consistent composition.

- [a] The rhythm of a facade should complement the rhythm of adjacent structures.
- [b] The use of smaller patterns at the higher floor levels is encouraged to help reinforce a base, middle and top facade composition. (e.g. a wide bay at the

base level would be divided in two at the middle levels, and divided again by two at the top level.)

[6] Facade fenestration. Depth and openings on a facade.

- [a]** The lower floor levels of a facade should provide the highest amount of facade opening and articulation. The ground floor should be very open and inviting to the pedestrian, and employ the strongest use of depth in the facade.
- [b]** The use of depth is encouraged to highlight facade openings such as windows and create a 3-D relief which produces shadows. Windows should not be mounted flush to the exterior of the facade.
- [c]** Window types above the base level should be double hung. Awning or transom windows are encouraged on street elevations. Picture and sliding windows are not recommended.
- [d]** Pairs of window shutters may be used, but should be used consistently and should appear to actually cover the entire window opening when closed.
- [e]** Storefront construction should be recessed enough at the point of entry to allow the door to swing out without obstructing the sidewalk.

[7] Building materials.

- [a]** Building materials and colors should be complementary to adjacent buildings and colors selected should be historically correct. The number of selected colors should be kept to a minimum. A color chart of historic period colors found in the local architecture is available from the Department of Community Development.
- [b]** A single material should be used as the dominant theme in the facade, with secondary materials used only to highlight and accent the design.

[8] Signs and awnings. Signs in the Downtown Batavia Business Improvement District shall comply with § 190-43 and the following:
[Amended 1-23-2017 by L.L. No. 1-2017]

- [a]** Long, continuous lengths of awnings are not recommended. Instead, a series of similar sized smaller ones is preferred.

(e) Submission requirements. All applicants shall submit the following information to the Building Inspector or Code Enforcement Officer:
[Added 11-14-2005 by Ord. No. 7-2005]

- [1]** Photographs of the site and building which clearly show exterior details.
- [2]** Photographs of adjacent buildings or properties.
- [3]** Drawings of the proposed exterior changes which clearly illustrate exterior materials, material dimensions, colors, height, lighting and includes an accurate scale.
- [4]** Material details, specification sheets, and product literature/samples.

completion of all the conditions required, the Code Enforcement Officer shall issue a certificate of compliance.



[Amended 4-22-1991; 3-13-1995; 6-25-2001 by L.L. No. 1-2001]

- (2) The lot shall be used only for the parking of passenger automobiles of employees, customers or guests of the person or firm submitting an application as aforesaid, and such person or firm shall be responsible for the maintenance of the lot and ensuring compliance with the provisions hereof.
- (3) No charge shall be made for parking on the lot.
- (4) The lot shall not be used for sales, repair work or servicing of any kind.
- (5) Entrance to or exit from the lot shall be located so as to do the least harm to the residential district and reasonable time limits for the use of such lot may be established.
- (6) No advertising sign or material shall be located on the lot.
- (7) All parking shall be back of the front yard as defined in this chapter, and no motor vehicles shall be parked within 10 feet of any property line.
- (8) The parking area shall have a fence at least six feet high around the perimeter of the lot, and curbs with bumper tire barriers shall be installed at all parking spaces.
- (9) All lighting shall be arranged so that there will be no glare therefrom annoying to the occupants of adjoining property in a residential district.
- (10) The surface of the parking area and the approaches and exits thereto shall be composed of at least two inches of stone treated with asphaltic road oil or such other surfacing as may be required by the Planning Board and shall be smoothly graded and adequately drained.
- (11) The Planning Board may require such other conditions as may be deemed necessary to safeguard the health, safety and general welfare of the public and to minimize possible detrimental effects of the parking lot on adjacent property.^[1]

[1] *Editor's Note: Original Subsection 12, amended 3-13-1995, which immediately followed this section, was repealed 10-14-1997.*

190-42 G. Landscaping regulations.

- (1) Landscaping consisting of attractive trees, shrubs, plants and grass lawns shall be required and planted in accordance with the site plans submitted and approved by the Planning Board. Buffer planting as defined in this chapter shall include an area of at least 10 feet in depth provided along the side and rear property lines of all commercial and industrial districts or uses including parking lots permitted in Subsection F of this section, so as to provide protection to adjacent properties where such lot lines abut Residential Districts or uses.
- (2) In addition to such buffer planting, the owner of the commercial or industrial property shall erect on the buffer area a fence six feet in height for the purpose of protecting the residential property from litter, debris and light glare and such other nuisances that would disturb peaceful possession.
- (3) Such fence shall contain no more than 25% open space. The responsibility for maintenance of the commercial or industrial property referred to herein shall be the shared

-  responsibility of the owners of the property and any other tenants who may be in possession thereof.
-  Such fencing referred to above shall be located only as shown on the site plan approved by the Planning Board.