

# PLANNING & DEVELOPMENT COMMITTEE

Tuesday, January 21, 2020

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

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## AGENDA

- I. Roll Call
- II. Call to Order
- III. Approval of Minutes – 11/19/19
- IV. Proposals

**Address:** 311-313 & 309 West Main Street.

**Applicant:** John Houseknecht (owner)

Proposal 1: Minor Subdivision to reconfigure these two parcels and create two new parcels with different boundary configurations. One parcel will contain an existing commercial building with parking exceeding the minimum requirements of the BMC. The other parcel will remain a parking lot for the existing neighboring occupancies

Actions:

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

**Address:** 99 Main Street.

**Applicant:** Todd Audsley (Project Manager)

Proposal 2: Exterior changes to a building located within the Business Improvement District (BID)

Actions:

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

**Address:** 653 Ellicott Street

**Applicant:** Eric Biscaro (owner)

Proposal 3: Use Variance to convert an existing warehouse space to automobile repair shop / mechanic shop / public garage

Actions:

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

V. Other/ New Business/Updates

VI. Setting of Next Meeting: February 18, 2020

VII. Adjournment

## **PLANNING & DEVELOPMENT COMMITTEE**

### ***DRAFT MINUTES***

**November 19, 2019**

**6:00 pm**

Council Board Room  
One Batavia City Centre, Batavia NY

Members present: *David Beatty, Edward Flynn, Matt Gray, Tammy Hathaway, Robert Knipe*

Members absent: Duane Preston

Others present: Doug Randall – Code Enforcement Officer

#### **I. Roll Call**

Roll call of the members was conducted. Five members were present and Acting Chairman Edward Flynn declared a quorum.

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

Mr. Flynn called the meeting to order at 6:00 pm.

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

Meeting minutes from October 15, 2019 were not approved. Mr. Knipe noted that an issue regarding time lines is missing from the discussion on the proposal for 40-70 Ellicott Street.

#### **IV. Proposal**

Exterior changes to a building located within the Business Improvement District (BID)

**Address:** *242 Ellicott St.*

**Applicant:** Carrie Lawrence, Vance Group LLC (owner)

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

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

Mr. Flynn read the summary of the proposal. Carrie Lawrence and Steven Valle were present on behalf of the project.

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

Mr. Gray asked if the boards and air conditioner will be removed from the front window.

Mr. Valle answered that there is no money in the budget to address the front window at this time.

**MOTION:** Mr. Gray moved to approve the proposal; the motion was seconded by Mr. Knipe, and on roll call, was approved 4-0-1.

Votes in favor: 4 (Matthew Gray, Tammy Hathaway, Robert Knipe, David Beatty)

Votes opposed: 0

Votes abstained: 1 (Edward Flynn)

**RESULT: Approval of the proposal.**

**V. Other/New Business/Updates: 2020 meeting dates**

**MOTION:** Mr. Gray moved to approve the 2020 meeting dates; the motion was seconded by Mr. Flynn, and on roll call, was approved 5-0.

**VI. Setting of Next Meeting: December 17, 2019**

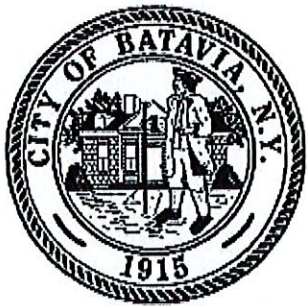
**VII. Adjournment**

Mr. Flynn moved to adjourn the meeting at 6:18 p.m.; the motion was seconded by Mr. Gray. All voted in favor.

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Meg Chilano  
Recording 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  
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 12/23/19

Re: 311-313 West Main St. and 309 West Main St.  
Tax Parcel No. 84.006-3-38 and 84.039-1-1

Zoning Use District: C-2

The applicant, John Houseknecht (owner), has filed a minor subdivision application to reconfigure these two parcels and create two new parcels with different boundary configurations. One parcel will contain an existing commercial building with parking exceeding the minimum requirements of the BMC. The other parcel will remain a parking lot for the existing neighboring occupancies.

**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 BMC Sec. 190-2 and 13-3 The Planning and Development Committee is authorized to review and approve or disapprove plats. BMC 162-40 B; The PDC shall act on the pre-application sketch and if approved the Chairman will sign and date the reproducible plat.

BMC 190-29 A. and Schedule I Minimum requirements of lot area and frontage for C-2 uses:

	<u>Required</u>	<u>Proposed (84.006-3-38)</u>	<u>Proposed (84.039-1-1)</u>
Lot area (min.)	5,000 sq.'	32,727.5 sq.'	> 42,377 sq.'
Frontage (min.)	40'	123.50'	21.5' (dif. 18.5')
Bldg. Coverage (max.)	40%	< 40%	None
Height (max.)	40'	< 40'	None
Front yard (min.)	20'	29'	N/A
Side yard (min.)	12'	21.19'	N/A
Side yard (total)	25'	58.26'	N/A
Rear yard (min.)	35'	110.24'	N/A

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

1)	<b>Required variances- Area</b>	<b>BMC Sec. 190-29 A. and Schedule I</b>		
		<b><u>Required</u></b>	<b><u>Proposed</u></b>	<b><u>Difference</u></b>
	<b>Minimum Frontage</b>	<b>40'</b>	<b>21.5'</b>	<b>18.5'</b>

The PDC 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) 815-7901

**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) PDC and ZBAAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345 - 6345

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

**2. APPLICANT INFORMATION**Name John HouseknechtAddress 311-313 West Main St.City, State, Zip Batavia, NY 14020Phone (585) 739 - 4394

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

Email jhousekn@gmail.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 311-313 West Main St. and 309 West Main St.B. Nearest intersecting road VernonC. Tax Map Parcel Number 84.006-3-38 and 84.039-1-1

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

E. Present zoning district(s) C-2**5. REFERRAL CASE INFORMATION:**

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

☒ NO☐ YES

If yes, give date and action taken \_\_\_\_\_

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

BMC 190-29 A and schedule IC. Please describe the nature of this request Approval to subdivide and reconfigure two parcels. An area variance is required for frontage.**6. ENCLOSURES** – Please enclose copy(s) of all appropriate items in regard to this referral☒ Local application☐ Site plan☒ Subdivision plot plans☒ SEQ forms☐ Zoning text/map amendments☐ Location map or tax maps☐ Elevation drawings☐ Agricultural data statement☐ New or updated comprehensive plan☒ Photos☒ Other: Cover letter**7. CONTACT INFORMATION** of the person representing the community in filling out this form (required information)Name Douglas RandallTitle Code Enf. OfficerPhone (585) 345 - 6327

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

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

Application No.: \_\_\_\_\_

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



## MINOR SUBDIVISION APPLICATION

### CITY OF BATAVIA

10 West Main Street, Batavia, NY 14020  
Phone: (716) 343-8180 • Fax (716) 343-9221

ADDRESS OF SUBDIVISION 311-313 W. Main St. (84.000-3-38) and  
309 W. Main St. (84.039-1-1)

OWNER:

Crickler Management  
John Houseknecht jhousekn@gmail  
Name E-mail Address  
311-313 - W. Main St. 585-739-4394 NA  
Street Address Phone Fax  
BATAVIA NY 14020  
City, State, Zip Code

SIGNATURE

John Houseknecht

PAID

JAN - 3 2020

CITY OF BATAVIA  
CLERK-TREASURER

FEES: \_\_\_ \$50 Residential Subdivision

☒ \$100 Non-Residential Subdivision





CITY OF BATAVIA  
APPLICATION TO THE ZONING BOARD OF APPEALS



Application No.: \_\_\_\_\_

Hearing Date/Time: \_\_\_\_\_

APPLICANT: Crickler Management jhousekn@gmail.com  
Name E-Mail Address  
311-313 West Main Street 585-739-4394  
Street Address Phone Fax  
Batavia NY 14020  
City State Zip

STATUS: ☒ Owner ☐ Agent for Owner ☐ Contractor

OWNER: John Houseknecht jhousekn@gmail.com  
Name E-Mail Address  
Street Address Phone Fax  
City State Zip

LOCATION OF PROPERTY: 311-313 West Main Street, Batavia NY 14020

DETAILED DESCRIPTION OF REQUEST: Area variance for driveway  
width of 21.5' (need 40.0')

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

John Houseknecht  
Applicant's Signature

12-27-2019  
Date

John Houseknecht  
Owner's Signature

12-27-2019  
Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.006-3-38 ZONING DISTRICT: C-2 FLOOD PLAIN: C  
84.039-1-1

TYPE OF APPEAL: ☒ Area Variance  
☐ Use Variance  
☐ Interpretation  
☐ Decision of Planning Committee

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

Provision(s) of the Zoning Ordinance Appealed: BMC 190-29 A and Schedule

Min. Frontage required is 40', 21.5' is proposed.

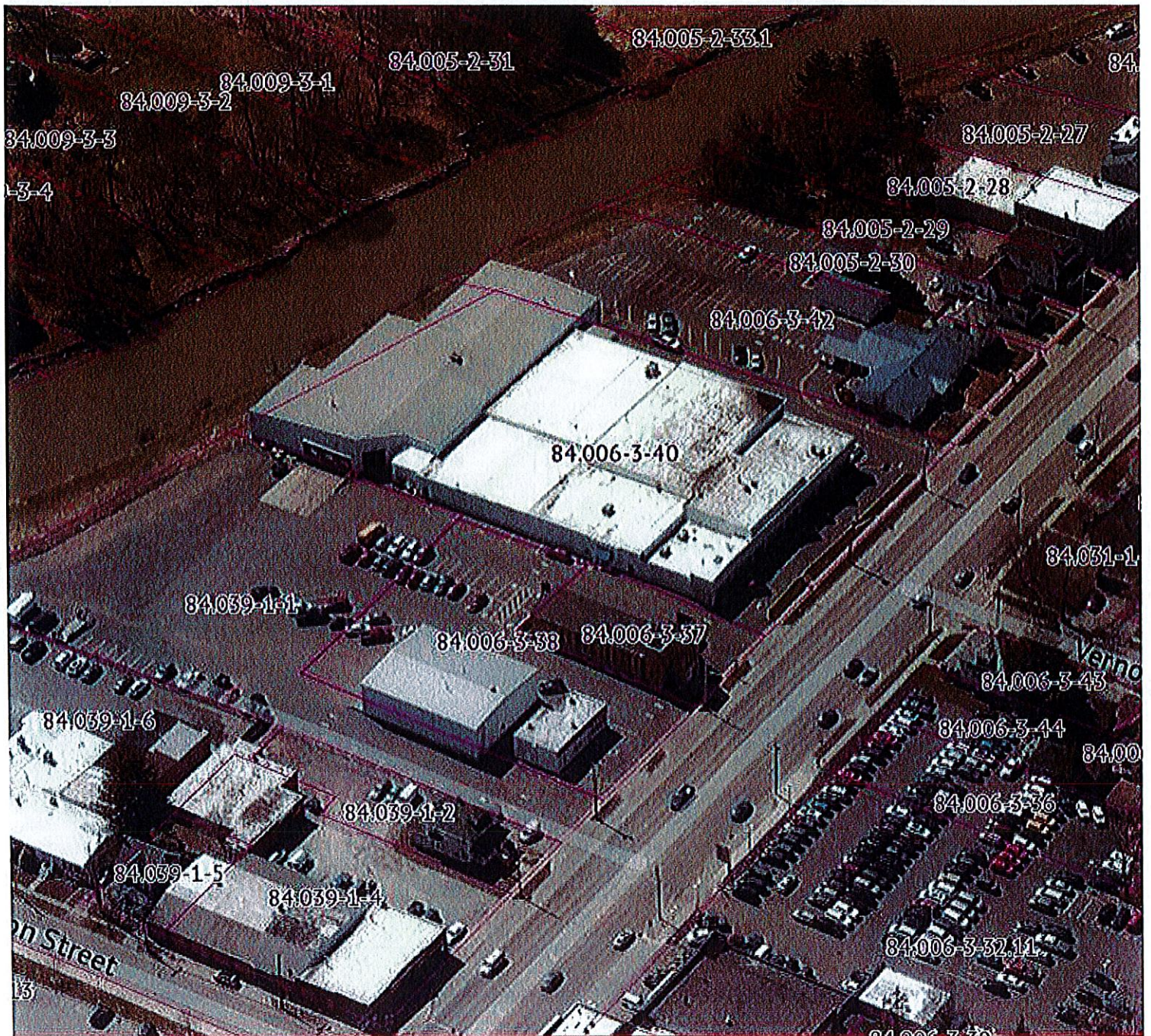
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JAN - 3 2020

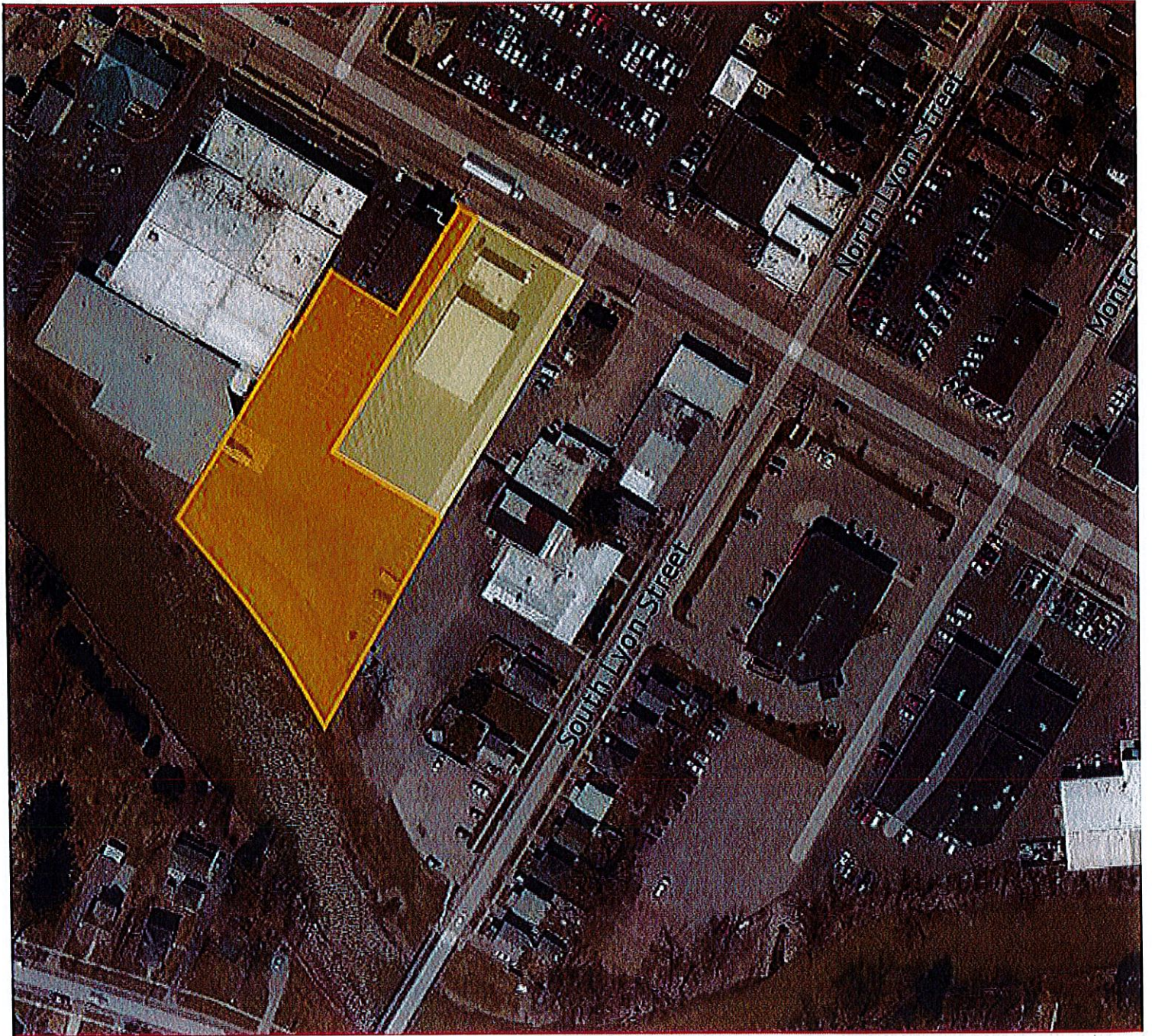
CITY OF BATAVIA  
CLERK-TREASURER













## 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 located in a commercial property area.
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 driveway is in the only location feasible.
3. **Substantiality.** The requested area variance is not substantial. Correct
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.  
Correct.
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. Correct.

John Houseknecht

Applicant's Signature

12-27-2019

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.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: <u>Crickler Management Group Land Separation</u>			
Project Location (describe, and attach a location map): <u>311-313 West Main Street, Batavia NY 14020</u>			
Brief Description of Proposed Action: <u>Area variance for driveway width of 21.5' (need 40.0')</u>			
Name of Applicant or Sponsor: <u>John Houseknecht</u>		Telephone: <u>585-739-4394</u> E-Mail: <u>jhousekne@gmail.com</u>	
Address: <u>311 -315 W. Main Street</u>			
City/PO: <u>Batavia</u>		State: <u>NY</u>	Zip Code: <u>14020</u>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO	YES
		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:		NO	YES
		X	
3.a. Total acreage of the site of the proposed action?		<u>1.751</u>	acres
b. Total acreage to be physically disturbed?		<u>0</u>	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>1.864</u>	acres
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input 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
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	
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?	NO	YES	
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: _____	NO	YES	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
b. Is the proposed action located in an archeological sensitive area?	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	
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 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	
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: <u>runoff to storm drains</u> <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	NO	YES	
		X	
			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 X	YES
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 X	YES
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 X	YES
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: <u>John Houseknecht</u> Date: <u>12-27-2019</u> Signature: <u>John Houseknecht</u>		

**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

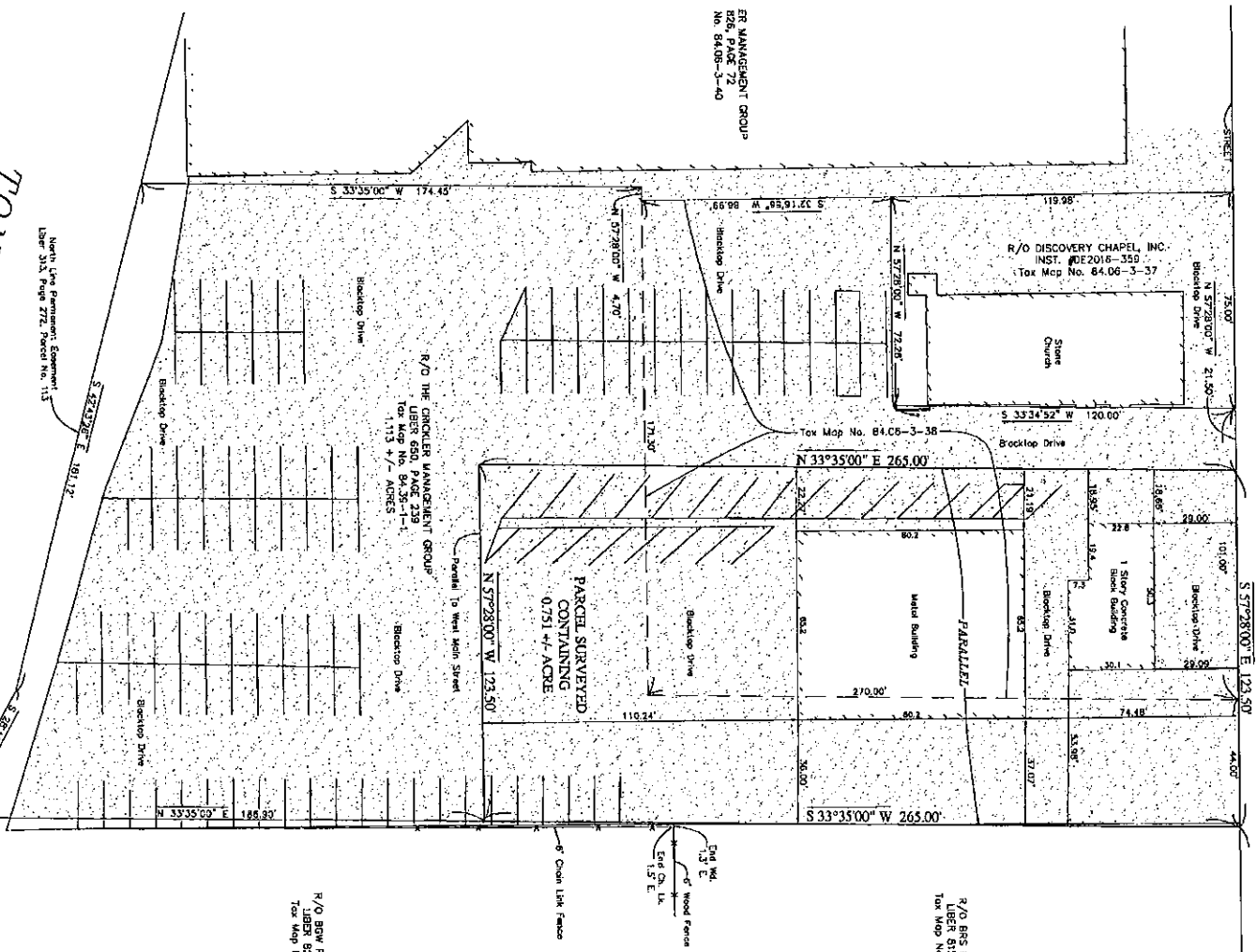
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Date

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

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

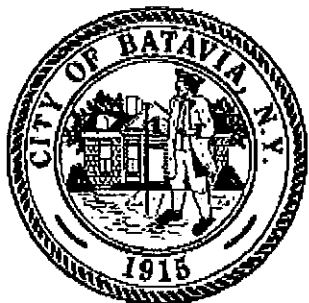
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Signature of Responsible Officer in Lead Agency

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



TONAWANDA

CREEK



*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: 12/27/19

Re: **99 Main St.**  
Tax Parcel No. 84.049-1-21

Zoning Use District: C-3 (BID)

The applicant, Todd Audsley (Project Manager), is preparing to file a building permit application that includes exterior changes to a building located within the downtown Batavia Improvement District (BID). Those changes include:

- New windows
- Removal of existing canopy and projecting sign structure, with installation of new awning
- New masonry façade
- New storefront glazing and entry reconfiguration

**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 a state road or highway.

**City Planning and Development Committee-** Pursuant to section 190-14 D (2)(a) of the zoning ordinance; Any action involving exterior changes requiring issuance of a building permit, shall be approved by the Planning and Development Committee before permit issuance.

SEND OR DELIVER TO:  
GENESEE COUNTY DEPARTMENT OF PLANNING  
3837 West Main Street Road  
Batavia, NY 14020-9404  
Phone: (585) 815-7901



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

DEPARTMENT USE ONLY:  
GCDP Referral # \_\_\_\_\_

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

**1. REFERRING BOARD(S) INFORMATION**

Board(s) Planning and Development Committee

Address One Batavia City Centre

City, State, Zip Batavia, NY 14020

Phone (585) 345-6327 Ext. \_\_\_\_\_

**2. APPLICANT INFORMATION**

Name Todd Audsley, Project Manager

Address 56 Harvester Ave.

City, State, Zip Batavia, NY 14020

Phone (585) 345-4067 Ext. \_\_\_\_\_ Email taudsley@smartdesignarchi

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: Exter. changes in BID

- Subdivision Proposal  
☐ Preliminary  
☐ Final

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

A. Full Address 99 Main St

B. Nearest intersecting road Jackson St

C. Tax Map Parcel Number 84.049-1-21

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 change the exterior of this building located in the BID

**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

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

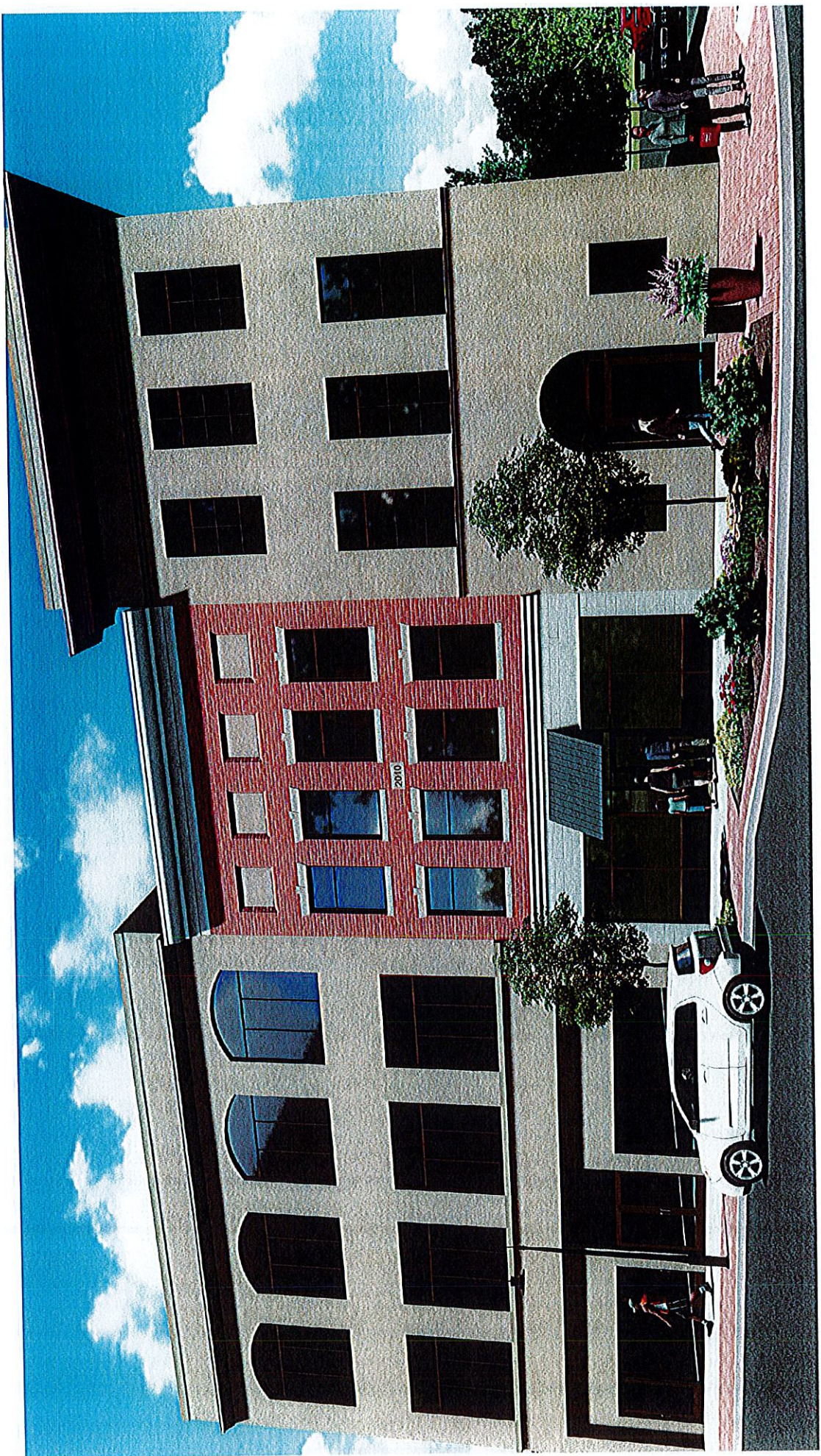
Name Douglas Randall Title Code Enf. Officer Phone (585) 345-6327 Ext. \_\_\_\_\_

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





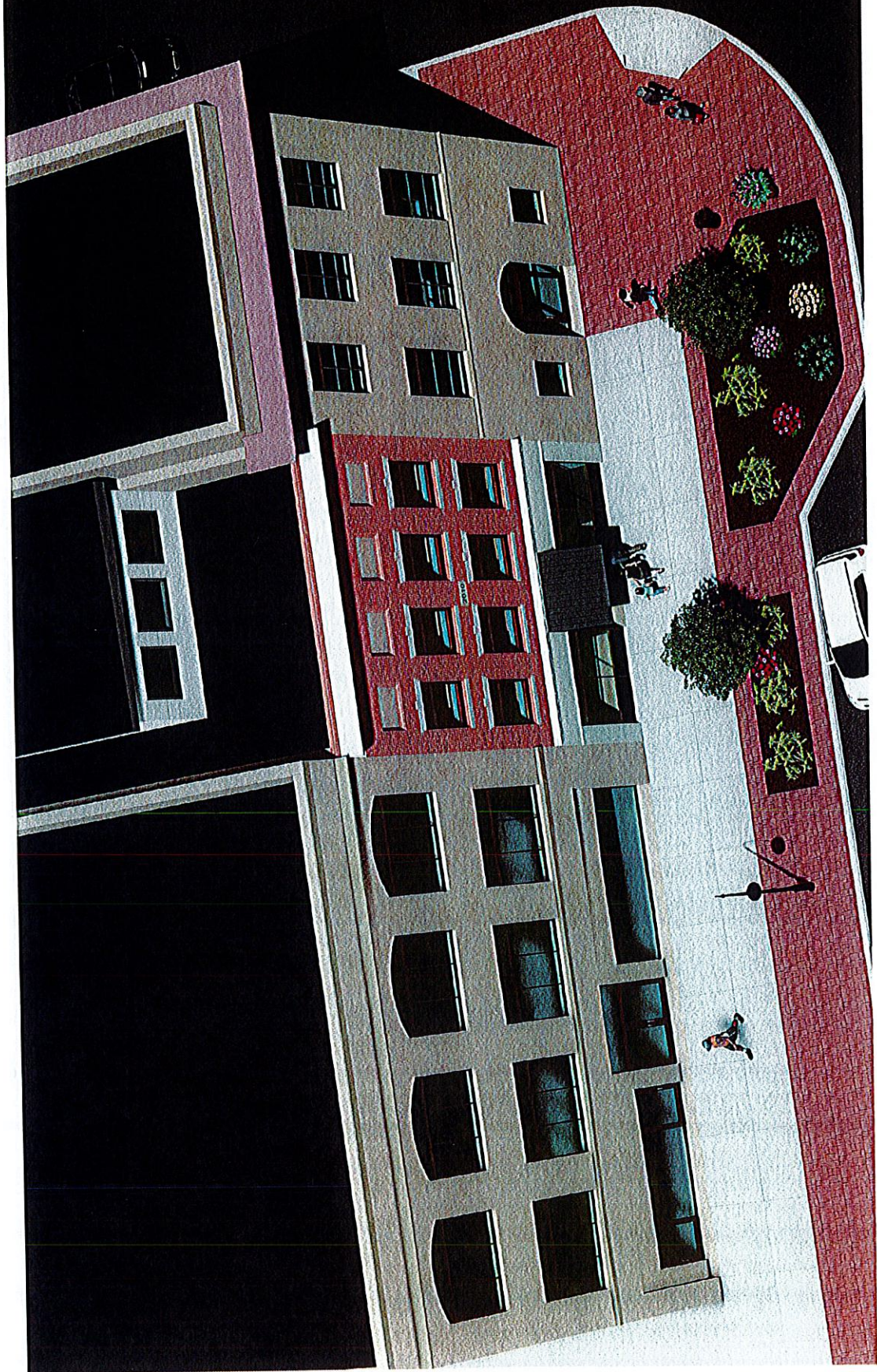




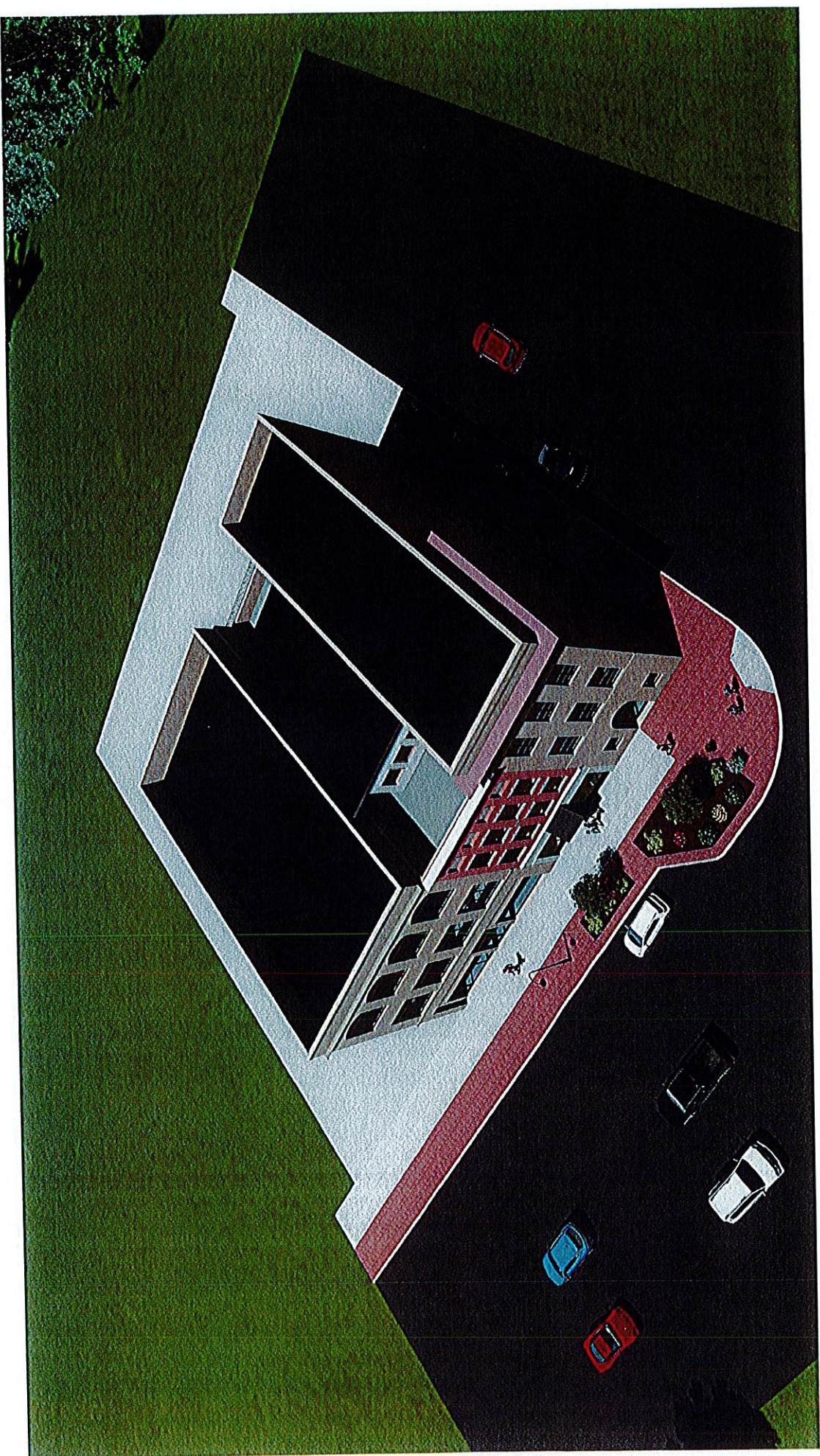




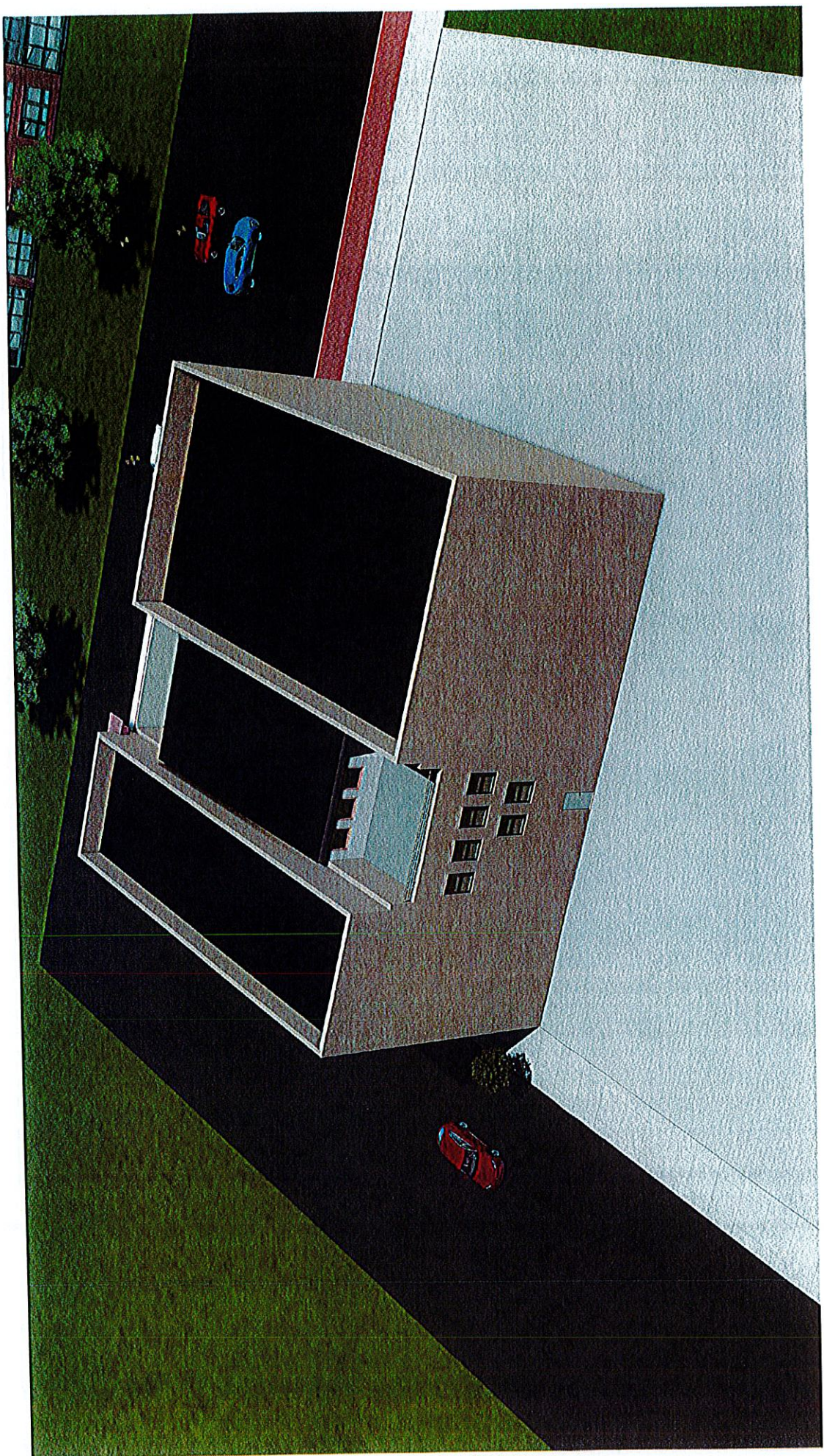




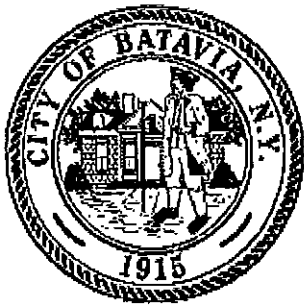












*City of Batavia*  
**Department of Public Works**  
**Bureau of Inspections**

One Batavia City Center, Batavia, New York 14020

(585)-345-6345

(585)-345-1385 (fax)

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

From: Doug Randall, Code Enforcement Officer

Date: 12/27/19

Re: 653 Ellicott St.  
Tax Parcel No. 97.008-1-4

Zoning Use District: I-1

The applicant, Eric Biscaro (property owner), has filed an application to convert an existing warehouse space to automobile repair shop/mechanic shop/public garage.

**Review and Approval Procedures:**

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

**City Planning and Development Committee-** Pursuant to section 190-49 C of the zoning ordinance, the Planning and Development Committee shall review any application that includes 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 190-15 A. Automobile repair shop/mechanic shop/public garage is not an approved principal use within the I-1 use district.

The ZBA 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) 815-7901

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) ZBA and PDC

Address One Batavia City Centre

City, State, Zip Batavia, NY 14020

Phone (585) 345-6345 Ext. \_\_\_\_\_

**2. APPLICANT INFORMATION**

Name Eric Biscaro

Address 653 Ellicott St.

City, State, Zip Batavia, NY 14020

Phone (585) 356-4423 Ext. \_\_\_\_\_ Email ericbiscaro@gmail.com

MUNICIPALITY: ☒ City ☐ Town ☐ Village of Batavia

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

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

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

- Subdivision Proposal  
☐ Preliminary  
☐ Final

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

A. Full Address 653 Ellicott St.

B. Nearest intersecting road Cedar St.

C. Tax Map Parcel Number 97.008-1-4

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

E. Present zoning district(s) I-1

**5. REFERRAL CASE INFORMATION:**

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

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

B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law  
BMC 190-15 A.

C. Please describe the nature of this request Approval of use variance to create automobile repair shop/mechanic shop/  
public garage.

**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

**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  
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: \_\_\_\_\_

Hearing Date/Time: \_\_\_\_\_

APPLICANT: Eric Biscaro erichbiscaro@gmail.com

Name Eric Biscaro E-Mail Address erichbiscaro@gmail.com  
Street Address 653 Ellicott St Phone 585-356-4423  
City Batavia State N.Y. Zip 14020

STATUS: ☒ Owner ☐ Agent for Owner ☒ Contractor

OWNER: Same  
Name \_\_\_\_\_ E-Mail Address \_\_\_\_\_  
Street Address \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

LOCATION OF PROPERTY: 653 Ellicott St Batavia

DETAILED DESCRIPTION OF REQUEST: Use Variance To Remodel an Existing Building To allow us To Have a 2 Bay 26'x37'x14' high mechanic shop

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

12-13-19  
Date

[Signature]  
Owner's Signature

12-13-19  
Date

To be Filled out by Zoning Officer

TAX PARCEL: 97.008-1-4 ZONING DISTRICT: I-1 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: BMC 190-19A Automobile repair Shop/Mechanic Shop / Public Garage is not a permitted principal use.

PAID

JAN - 3 2020

CITY OF BATAVIA  
CLERK-TREASURER

DEC 26 2019

City of Batavia  
Inspection Bureau



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Inspection Bureau

## 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"*

*Variance Request is to be able to change part of existing building into a 262sq ft service garage to do oil changes, brake work, vehicle inspection and small mechanical repairs*

(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"*

*653 Ellicott Plaza has always catered to local businesses typically in the residential construction trades and we were full for years - The last 6 yrs we lost a kitchen cabinet store, a commercial printer, equipment dealer, and a sign shop. We have too much empty space with no one that needs it.*

*The other properties in the vicinity don't cater to local small businesses - Chopna has themselves and a Hughes Tenant in OUTRA. 25-30 yrs ago there were small businesses everywhere today with no population growth in W. NY, and the Big Box Stores (Home Depot, Wal-Mart, Amazon) its a changed environment.*

*I need a sensible variance to adapt some of my space to what would be a nice addition to our plaza.*



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

"The requested use variance, if granted, will not alter the essential character of the neighborhood"

Very little change.  
 - add 4 parking spots 400' off the Road  
 - Not going to change Elliott St Traffic (may make it less)  
 - not looking for a sign  
 - No change in landscape, or footprint of structures.  
 - Low to no noise - no smoke - no impact whatsoever!  
 - There is a small service shop (paint shop) 2 doors east on same side - nice place - I'm asking for less

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

"The alleged hardship has not been self-created"

It's not self-created as I did not build the huge blower on the west side of town and put the big boxes store there - how did I create a margin.

I am respectfully asking for a small, sensible variance for a guy (me) that's worked here and been a good business citizen for 42 years



Eric Bisgaard

Applicant's Signature

Date

Provider of Financial Evidence

Date



## USE VARIANCE

### Statement of Income and Expense

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

PROPERTY ADDRESS: 653 Elliott St Batavia

#### A. PROPERTY DATA

1. Date property was purchased by current owner 1986
2. Was a Certificate of Occupancy issued? yes  
Date of Issuance? 1987  
If so, for what use(s)? Building Supply  
If not, why? \_\_\_\_\_
3. Cost of Purchase \$38,000 For Empty Lot in 1986
4. a) Amount of Mortgage \_\_\_\_\_ Interest Rate \_\_\_\_\_  
Mortgage Holder \_\_\_\_\_ Duration \_\_\_\_\_  
Address \_\_\_\_\_  
b) Amount of Mortgage \_\_\_\_\_ Interest Rate \_\_\_\_\_  
Mortgage Holder \_\_\_\_\_ Duration \_\_\_\_\_  
Address \_\_\_\_\_  
c) Amount of Mortgage \_\_\_\_\_ Interest Rate \_\_\_\_\_  
Mortgage Holder \_\_\_\_\_ Duration \_\_\_\_\_  
Address \_\_\_\_\_
5. Is the property for sale? no  
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 none  
\_\_\_\_\_  
\_\_\_\_\_
6. Present value of property assessed at \$315,000.-  
Source(s) Tax Bill





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

USE	INCOME
1. <u>Classic Home Improvements</u>	<u>1400. -</u>
2. <u>Counter Top Shop</u>	<u>1200. -</u>
3. <u>Batavia Garage Door</u>	<u>650. -</u>
4. <u>Armed Dining Supply</u>	<u>3400. -</u>
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
TOTAL RENTAL INCOME	<u>month 6650. -</u>
LESS VACANCY FACTOR	_____
(Attach explanation if greater than 8%)	_____
TOTAL GROSS INCOME	<u>month 6650</u>
	<u>annual 79,800. -</u>

See attached sheet

C. ANNUAL EXPENSES

1. <u>Annual Fixed Charges</u>	
Real Estate Taxes (City & County)	<u>X 7267.97 - School</u>
Insurance.....	<u>X 5982.22 - City - County - Med Mandate</u>
Average Annual Interest (over next 5 years)	<u>0 - 10,000 - ?</u>
2. <u>Operating Expenses</u>	
Electric.....	<u>3 paid by tenants</u>
Fuel.....	_____
Water.....	_____
Advertising.....	<u>\$1200 - 2000 last couple of years</u>
Miscellaneous (attach explanation)	_____
3. <u>Maintenance Expenses (attach list)</u>	
Repairs.....	<u>18,000 average annual</u>
General Building Maintenance.....	_____
Yard and Ground Care.....	<u>\$2500 - annually mowing - plowing - weeds - gravel</u>
Miscellaneous.....	_____
TOTAL ANNUAL EXPENSES	<u>\$48,297.60 - \$59,097.60</u>
Profit or Loss	_____

Item	Price	Open Shop	Enclosed Storage	Open Shop
Classic Home Improvement	\$1400.-	2600 sq ft	1600 sq ft	
Custom Laminated Counter Tops	\$1200.-	2200 sq ft	600 sq ft	
Batavia Garage Door	\$650.-	700 sq ft	600 sq ft	
Armer Building Supply	\$3400.-	3000 sq ft	1400 sq ft	4860 sq ft
Vacant - West side offices of Armer Bldg	\$700.-	1200 sq ft		
Vacant - West side of window barn	\$600.-	<del>2300</del> sq ft	2300 sq ft	
Vacant - 26x90 open shed in rear	\$450.-			2340 sq ft
Total sq ft		9700 sq ft	19,100 sq ft	7200 sq ft
Vacant sq ft		1200 sq ft	2300 sq ft	2340 sq ft
% Vacant		12.37%	12%	32.5%

36000 sq ft total - 5840 sq ft Vacant or 16.22% vacant

After Enclosing proposed 960 sq ft space I will realize  
 \$600 per month or \$7200 annually



D. TOTAL INVESTMENT

1. Down payment..... Many Down Payments thru the years
2. Capital Improvements (attach list) 750,000 - many additions + additions
3. Principal Paid to date (original mortgage less  
current principal balance)..... paid in full

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

450,000 approx

E. RATE OF RETURN = Profit or Loss

TOTAL INVESTMENT

\_\_\_\_\_

[Signature]  
Signature of Preparer

12-26-19  
Date

owner  
Profession of Preparer

Received

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Inspection Bureau



Feb 20<sup>th</sup> 1991

Received  
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R/O CONRAIL

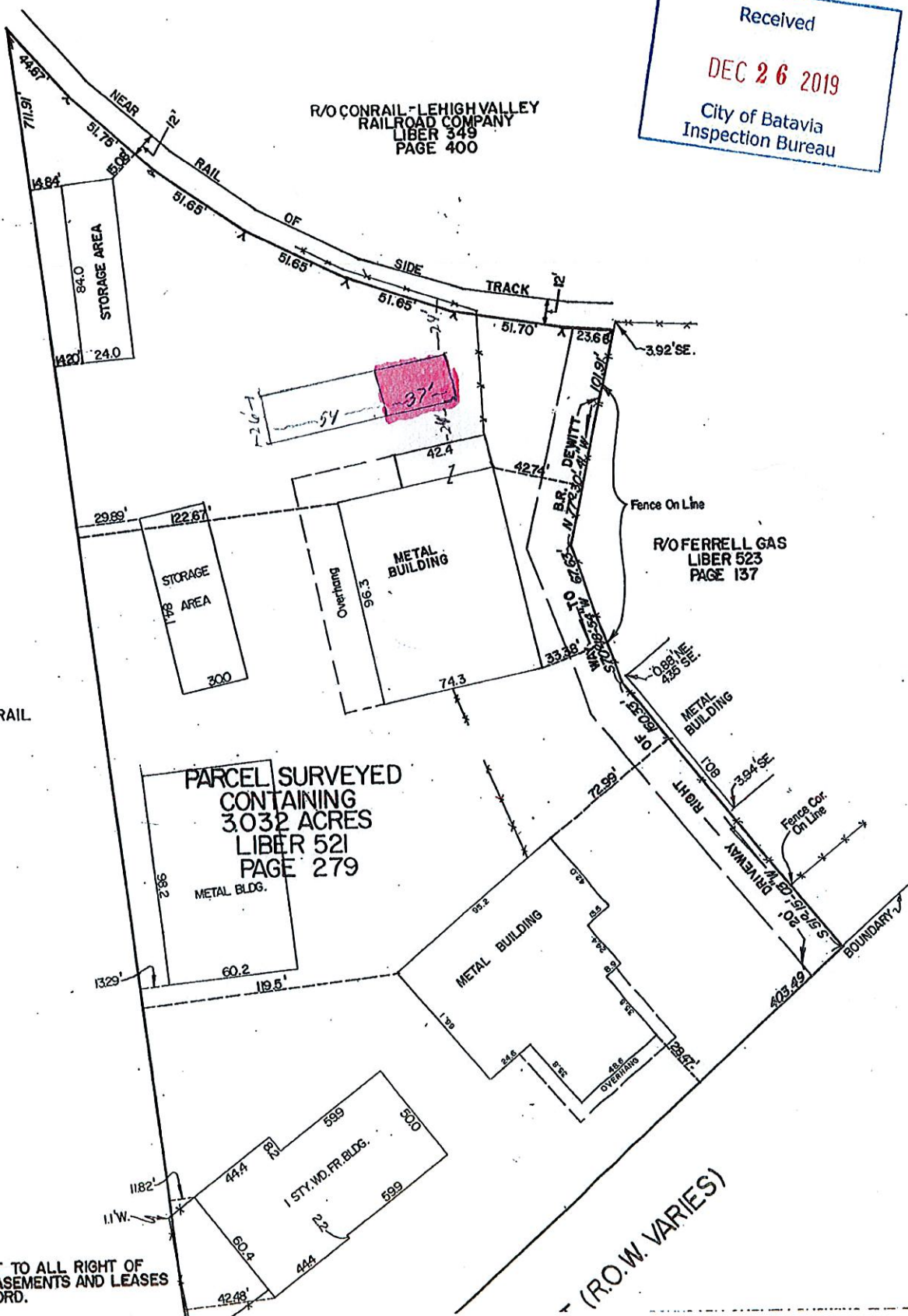
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RAILROAD COMPANY  
LIBER 349  
PAGE 400

R/O FERRELL GAS  
LIBER 523  
PAGE 137

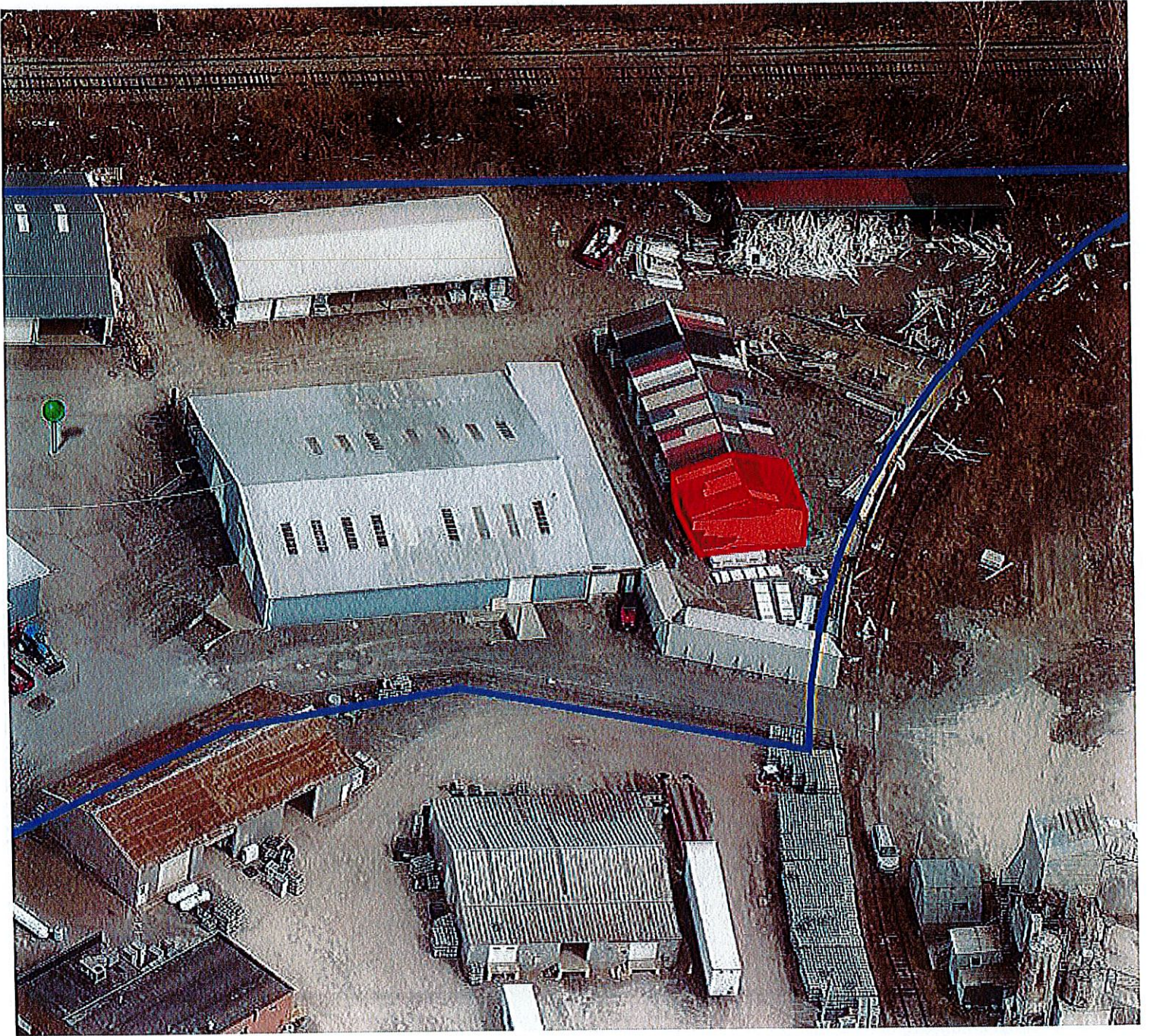
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LIBER 521  
PAGE 279

NOTE:  
SUBJECT TO ALL RIGHT OF  
WAYS, EASEMENTS AND LEASES  
OF RECORD.

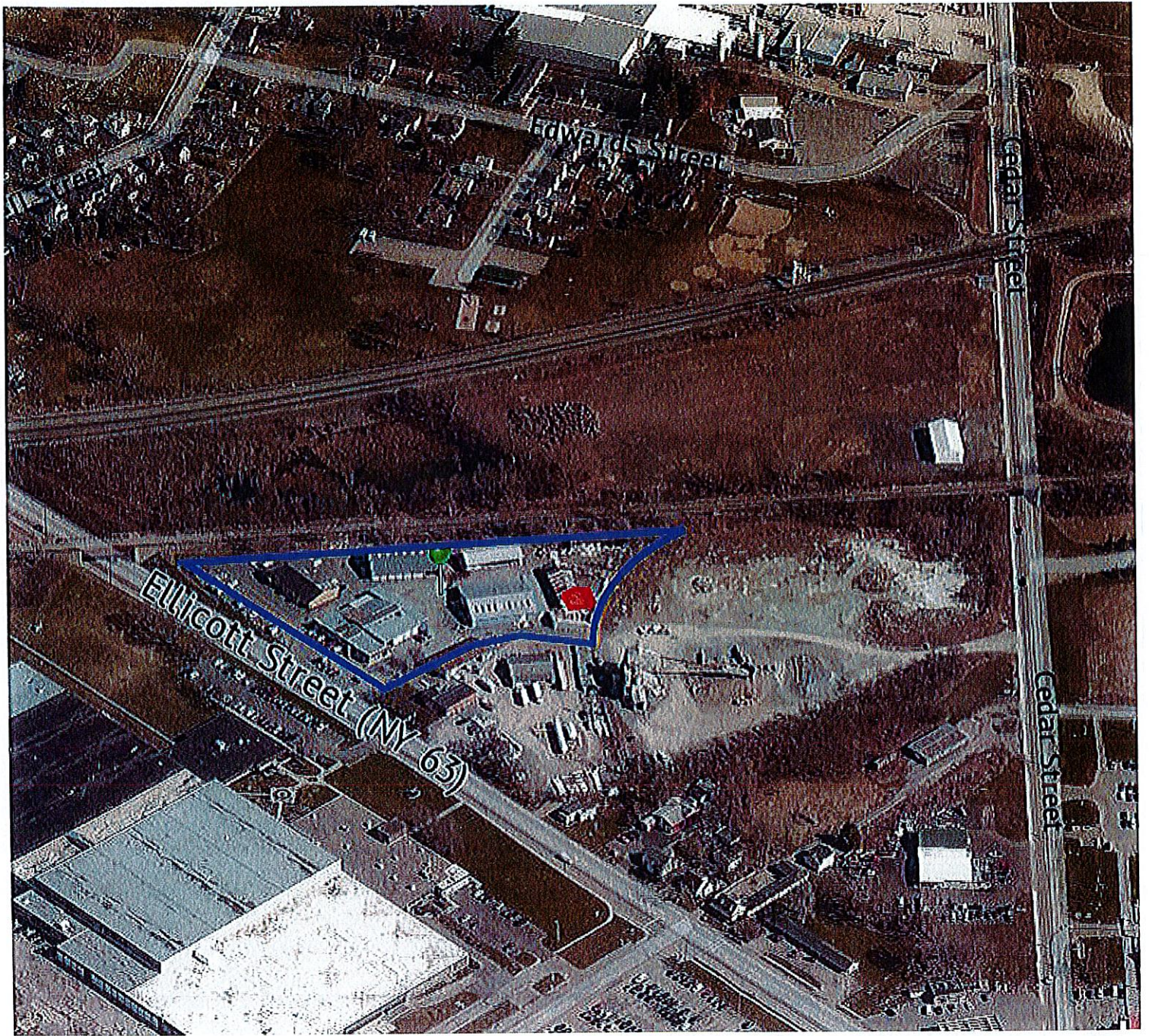
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617.20  
Appendix B  
Short Environmental Assessment Form

**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.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: <u>2 Bay Service Garage in Existing Building</u>			
Project Location (describe, and attach a location map): <u>653 Ellicott ST Batavia</u>			
Brief Description of Proposed Action: <u>Revamp &amp; <del>exp</del> existing shed into a 2 Bay Service Shop for Light Vehicle repair</u>			
Name of Applicant or Sponsor: <u>Eric Biscaro</u>		Telephone: <u>585-356-4423</u>	
Address: <u>653 Ellicott ST</u>		E-Mail: <u>ebiscaro@gmail.com</u> (Eric Biscaro)	
City/PO: <u>Batavia N.Y.</u>		State: <u>N.Y.</u>	Zip Code: <u>14020</u>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
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.		<u>X</u>	
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?		NO	YES
If Yes, list agency(s) name and permit or approval: <u>Building permit from City of Batavia</u>			<u>X</u>
3.a. Total acreage of the site of the proposed action?		<u>.02</u> acres	
b. Total acreage to be physically disturbed?		<u>0</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>3.1</u> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input checked="" type="checkbox"/>	YES	N/A
b. Consistent with the adopted comprehensive plan?			
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	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	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>		
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: <i>it will be over insulated</i>	NO	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	NO	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	NO	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?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES	
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	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES	
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: <i>nothing will change.</i> <input type="checkbox"/> NO <input type="checkbox"/> YES	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		
Applicant/sponsor name: <u>Eric Biscaro</u>		Date: <u>12-26-18</u>
Signature: <u>EB</u>		

**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.

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