

**PLANNING & DEVELOPMENT COMMITTEE**  
**Tuesday, October 20, 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 – 7/21/20

IV. Proposals

**Address:** 206 East Main St.

**Applicant:** Paul Marchese (owner)

Proposal: Special Use Permit to alter the exterior appearance of this property  
located within the Business Improvement District

Actions: 1. Review application  
2. Public hearing and discussion  
3. Action by the board

V. Setting of Next Meeting: November 17, 2020

VI. Adjournment

## **PLANNING & DEVELOPMENT COMMITTEE**

### ***DRAFT MINUTES***

**July 21, 2020**

**6:00 pm**

Council Board Room

One Batavia City Centre, Batavia NY

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

Members absent: Matt Gray

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

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

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

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

Mr. Preston called the meeting to order at 6:00 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 June 16, 2020 meeting minutes.**

#### **IV. Proposals**

- A. Special Use Permit to create a “Restricted Residential Use” on the second floor of this commercial building located within the Central Commercial District

**Address:** 45-47 Ellicott St.

**Applicant:** V.J. Gautieri Constructors Inc. (owner)

- Actions:**
1. Review application
  2. Public hearing and discussion
  3. SEQR
  4. Action by the board

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

Mr. Preston read the summary of the proposal.

##### **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 5-0.

**RESULT: Public hearing opened at 6:03 pm.**

Victor Gautieri and Dave Rowley spoke on behalf of the project. Mr. Gautieri outlined the changes to the building. Save-A-Lot has a new logo, so the signage will be changing. Four new windows will be installed, allowing for more natural light. The main entrance will be relocated, providing the store with more usable space. The new entrance will also lead to the second floor apartments. Mr. Rowley noted that the roof is scheduled to be replaced as part of the project.

Mr. Knipe asked if the upstairs windows will open. Mr. Rowley answered that the windows will open onto Juliet balconies.

Mr. Flynn asked if the units will have air conditioning, and Mr. Rowley said that each unit will have its own system.

Mr. Flynn observed that the lower windows are clear and asked if the upper windows will be shaded. Mr. Rowley replied that all of the windows will be clear. He noted that the only tinted windows are the already existing ones on the first floor of the northwest corner of the building.

Mr. Flynn asked what is the reason why there are not as many bump-outs on the Ellicott side of the building versus the other sides. He pointed out that the side with only one bump-out will be the one people see from the street. Mr. Flynn said that he would like to see more bump-outs on the Ellicott side because it presents a more appealing esthetic.

Ms. Hathaway commented that she remembered a more elaborate façade from the original renderings and asked if any of the architectural details have changed since the plans were submitted as part of the DRI. Mr. Gautieri said that some of the details have changed. In the time since the DRI submission, it was decided that it would be more desirable to make the exterior on that side generic because there still is no tenant for that space. Some flexibility was left in the rendition to allow for the tenant to create their own exterior esthetic.

Mr. Flynn requested the addition of two more bump-outs, one on either side of the bump-out for the stairs, between the windows. Mr. Gautieri said that the floor layout cannot be changed. Mr. Flynn suggested that architectural detail could be added around the windows, rather than bump-outs between the windows, which would not change the floor plan.

Mr. Flynn asked if the first floor improvements would be part of Phase I, and Mr. Rowley answered that everything shown on the drawings will be completed as part of Phase I.

Mr. Preston asked about the location of the tenant parking. Mr. Gautieri said that a conversation with the City will have to take place regarding assigning a place for the tenants to park, by permit.

Mr. Preston asked where the dumpster will be located. Mr. Gautieri indicated it will be located on the southeast side of the building in the same space where the dumpster is currently located. The screen surrounding it will be repaired. He clarified that the dumpster for the tenants will be separate from the dumpster for the store.

Ms. Hathaway asked if each apartment will have its own storage space, and Mr. Gautieri said tenants could have it if they wished.

There was no commentary from the public.

**MOTION:** Mr. Knipe moved to close the public hearing; the motion was seconded by Mr. Beatty, and on roll call, was approved 5-0.

**RESULT: Public hearing closed at 6:23 pm.**

### **3. SEQR**

Mr. Preston asked if the board had reviewed part one of the SEQR application and they indicated they had. The board went through the questions for part two.

**MOTION:** Mr. Flynn moved to approve a negative declaration of SEQR; the motion was seconded by Mr. Knipe, and on roll call, was approved 5-0.

**RESULT: Negative declaration of SEQR**

### **4. Action by the Board**

**MOTION:** Mr. Knipe moved to approve the Special Use Permit; the motion was seconded by Mr. Beatty, and on roll call, was approved 5-0.

**RESULT: Special Use Permit approved.**

**MOTION:** Mr. Flynn moved to amend the previous motion to include the addition of the architectural detail discussed above to the two south windows; the motion was seconded by Mr. Knipe, and on roll call, was approved 5-0.

**RESULT: Special Use Permit approval amended to include the window detail.**

B. Site Plan Review of a two story, 8,788 sq.', 20 bed detoxification facility that will be added to the existing Atwater Residence located on this treatment campus

**Address:** 424 East Main St.

**Applicant:** John Bennett (GCASA)

**Actions:**

1. Review application
2. Public hearing and discussion
3. SEQR
4. Action by the board



### **1. Review Application**

Mr. Preston read the summary of the proposal. Eleanor Asquith, Fontanese Architects, spoke on behalf of the project. She noted that nothing has changed with the plans since she appeared before the board for the Sketch Plan Review the previous month.

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

**MOTION:** Mr. Flynn moved to open the public hearing; the motion was seconded by Mr. Knipe, and on roll call, was approved 5-0.

**RESULT: Public hearing opened at 6:33.**

Per Mr. Flynn's request, Ms. Asquith provided a synopsis of the parking situation as discussed during the Sketch Plan Review the previous month.

There was no commentary from the public.

**MOTION:** Mr. Knipe moved to close the public hearing; the motion was seconded by Mr. Beatty, and on roll call, was approved 5-0.

**RESULT: Public hearing closed at 6:38 pm.**

### **3. SEQR**

Mr. Preston asked if the board had reviewed part one of the SEQR application and they indicated they had. The board went through the questions for part two.

**MOTION:** Ms. Hathaway moved to approve a negative declaration of SEQR; the motion was seconded by Mr. Knipe, and on roll call, was approved 5-0.

**RESULT: Negative declaration of SEQR**

### **4. Action by the Board**

**MOTION:** Mr. Flynn moved to approve the site plan as presented; the motion was seconded by Ms. Hathaway, and on roll call, was approved 4-0-1.

Votes in favor: 4 (Tammy Hathaway; David Beatty; Duane Preston; Ed Flynn)

Votes opposed: 0

Votes abstained: 1 (Robert Knipe)

**RESULT: Site Plan approved.**

C. City Council has been petitioned to amend the current zoning ordinance to allow the principal use of "Public Garage" for the storage, hiring, selling, greasing, washing, servicing, or repair of motor vehicles, operated for gain in the I-1 Industrial Use District

**Regarding:** *Public Garage (automotive repair shop)*

**Actions:** Discussion and recommendation by the board

Mr. Flynn asked if a zoning ordinance change means that a public garage will be able to operate a car sales lot. Mr. Randall explained that car sales lots are considered retail, which is only

allowed in the C-2 district as a principal use. Cars sales is not the principal use of a public garage, and would therefore not be allowed in the I-1 district.

It was the board's recommendation to add public garages to the list of allowed uses with a Special Use Permit in the I-1 (Industrial) District.

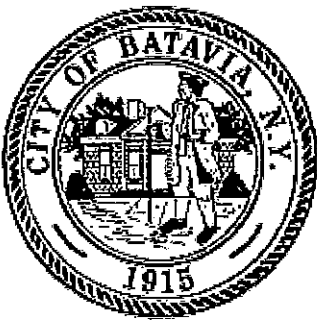
**V. Setting of Next Meeting:** August 18, 2020

**VI. Adjournment**

Mr. Knipe moved to adjourn the meeting at 6:55 p.m., and Mr. Beatty seconded the motion. 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

From: Doug Randall, Code Enforcement Officer

Date: 9/29/20

Re: 206 East Main St.  
Tax Parcel No. 84.058-1-2

Zoning Use District: C-3

The applicant, Paul Marchese (owner), has applied for a Special Use Permit and building permit to alter the exterior appearance of this property located within the Business Improvement District.

The Exterior changes involve adding an entrance door on the south elevation; replacing windows; replacing name plate on north elevation; installing exterior up lighting on the north elevation; removing existing awnings and exposing the original transom windows; installing a new aluminum clad wooden door on the north elevation; new aluminum clad wood windows/door store front in center bay.

The Special Use Permit is for "Restricted Residential Use" to create two second floor dwelling units in a portion of an existing area presently used as office space.

**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) of the zoning ordinance, the Planning and Development Committee shall review applications involving exterior changes on properties located within the B.I.D .

Also; BMC 190-37 The PDC may authorize a special use permit for "Restricted Residential Use" provided the proposed use is in harmony with chapter 190 and the standards listed in 190-37 I (1-9) and 190-37 K (1-14)



## GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID C-13-BAT-10-20

Review Date 10/8/2020

Municipality	<u>BATAVIA, C.</u>
Board Name	<u>CITY PLANNING AND DEVELOPMENT COMM.</u>
Applicant's Name	<u>Paul Marchese, Just Chez Realty LLC</u>
Referral Type	<u>Special Use Permit and Downtown Design Review</u>
Variance(s)	
Description:	<u>Special Use Permit and Downtown Design (Site Plan) Review to make exterior changes and create two second-floor residential units in an existing mixed-use building.</u>
Location	<u>206 E. Main St. (NYS Rts. 5 &amp; 33), Batavia</u>
Zoning District	<u>Central Commercial (C-3) District</u>

### PLANNING BOARD DECISION

**APPROVAL**

### EXPLANATION:

The exterior changes and upper floor apartments are in conformance with the City's Design Guidelines and therefore should pose no significant county-wide or inter-community impact. It is recommended that the applicant submits the attached application for 9-1-1 Address Verification to the Genesee County Sheriff's Office to ensure that addresses are assigned that meet Enhanced 9-1-1 standards.

Director

October 8, 2020

Date

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



# SPECIAL USE PERMIT

## CITY OF BATAVIA, NEW YORK

LOCATION: 206 E Main  
OWNER: Just Chez Realty LLC  
Address: 29 Edgewood Dr Batavia

Application Date: 9/28/20  
Tax Parcel No.:  
Phone No. 585 300 7058

Yes COUNTY PLANNING REVIEW

No ZONING VARIANCE REQUIRED

C-3 ZONING DISTRICT

No HISTORIC DISTRICT

C FLOOD ZONE

No HISTORIC LANDMARK

No CORNER LOT

No CITY ENGINEER REVIEW

No SITE PLAN REVIEW

No CITY COUNCIL REVIEW

Yes BID

No OTHER

PROJECT DESCRIPTION: 2nd floor updates to Apartments, new facade improvements, windows, roof, HVAC,

EXISTING USE: Used to be office space

PROPOSED USE: Apartments/Mixed use

N.Y.S. BLDG. CODE OCC. CLASS: Mixed-A2B, R-3

N.Y.S. BLDG. CODE <sup>Const.</sup> OCC. CLASS: 3B

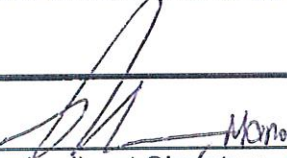
LOT SIZE: Existing

LOT AREA: Existing

### CITY PLANNING & DEVELOPMENT REVIEW:

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

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

 Applicant Signature	<u>9/28/20</u> Date	_____ Issuing Officer
Permit Fee: <u>\$100.</u>	Issue Date: _____	



## CITY OF BATAVIA

## BUILDING PERMIT APPLICATION

DATE: 9/28/20

APPLICANT NAME &amp; PHONE: \_\_\_\_\_

Project Location and Information

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

Address of Project: 206 E MainOwner & Address: Just Chez Realty LLC 29 Edgewood Dr BataviaPhone: 585 300 7058Project Type/Describe WorkEstimated cost of work: \$489,000<sup>00</sup> Start date: TBDDescribe project: 2<sup>nd</sup> floor upgrade to Apartments, roof, windows, HVAC, porch  
Exterior alterations to facadeContractor Information – Insurance certificates (liability & workers comp) required to be on fileGENERALName/Address: TBD

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

PLUMBING (City of Batavia Licensed Plumber Required)Name/Address: TBD

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

HEATINGName/Address: TBD

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

ELECTRICAL (Third Party Electrical Inspection Required)Name/Address: TBD

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: \_\_\_\_\_



# PROPOSED FACADE



New individual halo-lit letters  
over dining entry

New perpendicular wall signage indicating  
the "Pizza to go" entry

Replace existing cast name plate with  
new one saying "MARCHESE"

New exterior uplighting hidden  
behind masonry cornice

Main St. *Pizza Company*

Remove existing awnings and uncover  
original transom windows.

New alum. clad wood door

New storefront with interior  
vestibule to match adjacent, alum. clad  
wood door and windows.

Vinyl window decal saying  
"Main Street Pizza to go"

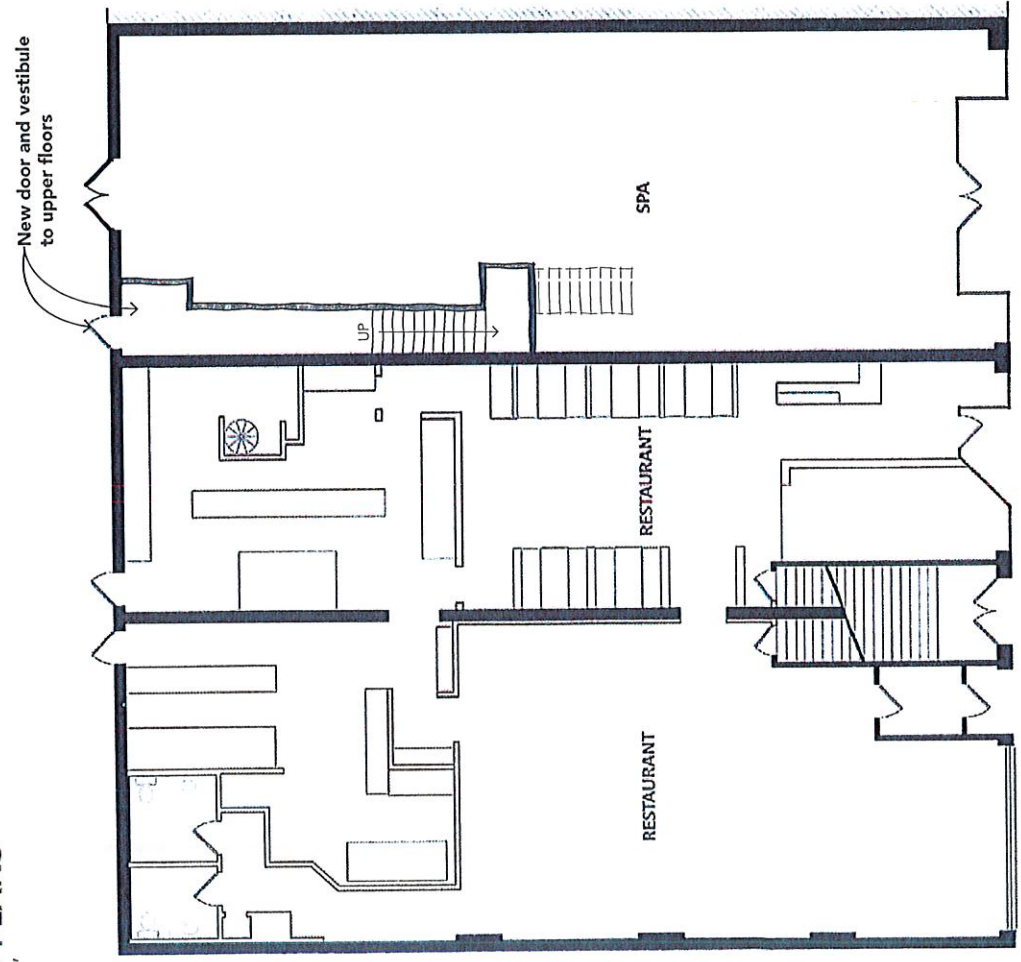
206 MAIN ST. BATAVIA, NY  
REVIEW PACKAGE  
09.21.2020





\*\* EXISTING FIRST FLOOR DRAWING PROVIDED BY CLIENT, AND MODIFIED TO SHOW ALTERATIONS.

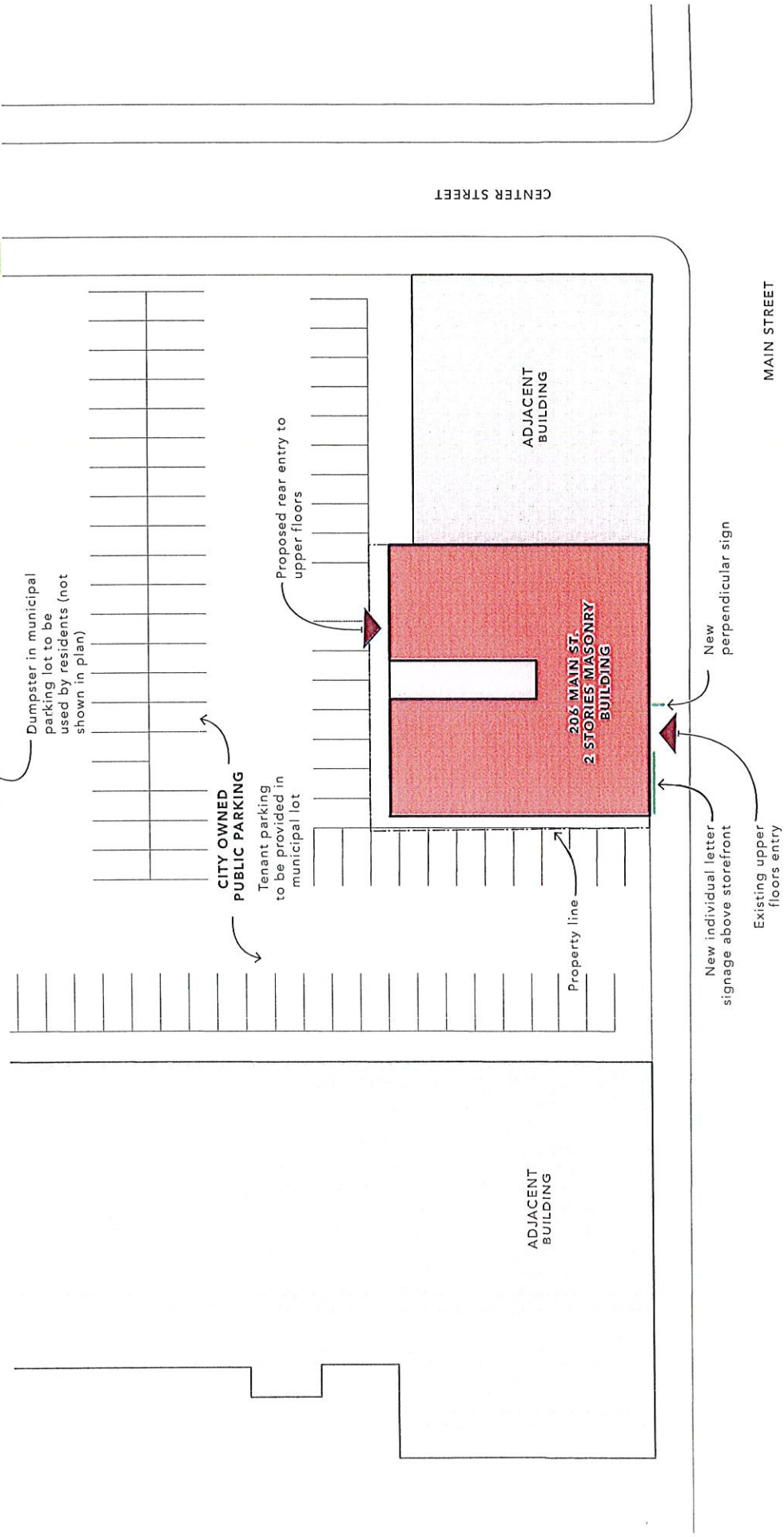
PROPOSED PLANS  
 Scale: 3/32" = 1'-0"



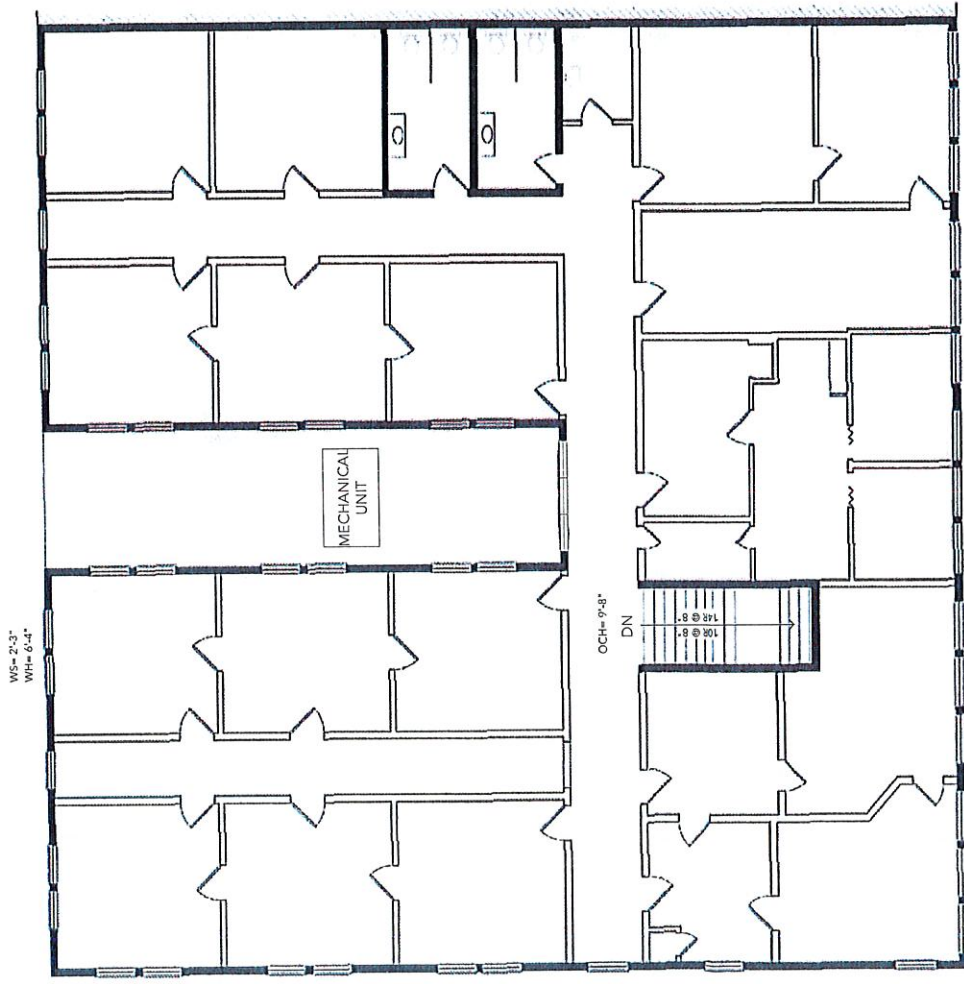
PROPOSED FIRST FLOOR MODIFICATIONS  
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**EXISTING PLANS**  
 Scale: 3/32" = 1'-0"



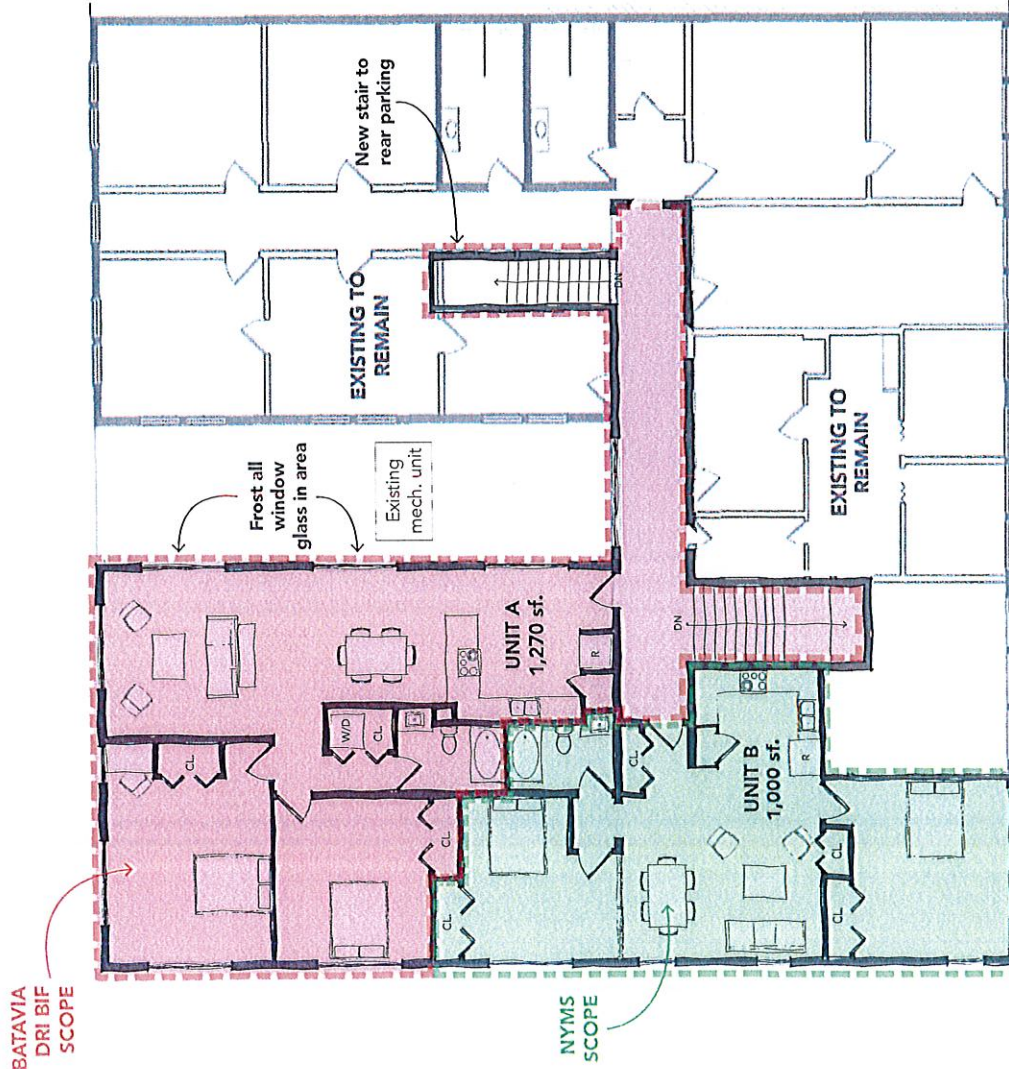
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**EXISTING SECOND FLOOR PLAN**  
 Scale: 3/32" = 1'-0"

BATAVIA DRI BUILDING IMPROVEMENT FUND



**206 Main Street  
Paul Marchese**



 **PROPOSED FLOOR PLAN**  
Scale: 3/32" = 1'-0"

- HVAC repairs/upgrades
- New insulated roof

## FACADE IMPROVEMENTS

- Replace existing cast name plate with "MARCHESE"
- New perpendicular wall signage
- New individual halo-lit letter wall signage
- New exterior uplighting hidden behind masonry cornice
- Remove existing awnings and uncover original transom windows
- New alum. clad wood door to upper floors
- New alum. clad wood windows/door storefront in center bay
- Interior vestibule in center bay to alleviate heat loss during winter
- Vinyl window decal signage

## UPPER FLOOR RESIDENTIAL BUILDOUT (UNIT A)

- Demo highlighted upper floor walls, fixtures, and finishes as required
- Residential buildout of new walls, fixtures, utilities, and finishes
- Repair existing windows and structural elements as needed
- Reuse doors, fixtures, and other materials in good working order
- Repair leaks, worn and damaged materials, etc. (contingency)
- Provide new doors, fixtures, and appliances in highlighted area
- Provide fire sprinklers and aux. equipment for highlighted unit
- Provide fire and smoke alarms for highlighted unit
- Build out of common space (circulation from stairs)
- Build out second rear staircase to parking lot.
- **Soft costs for outlined work**

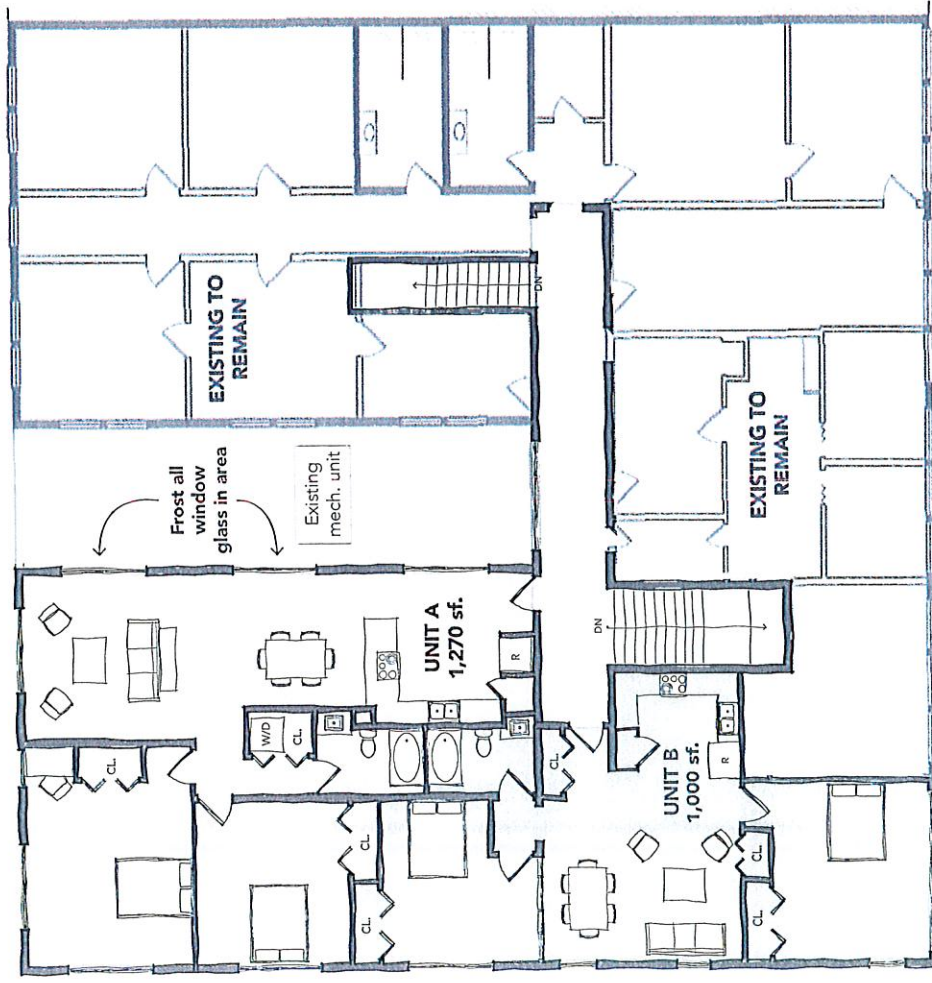
## NYMS SCOPE

## UPPER FLOOR RESIDENTIAL BUILDOUT (UNIT B)

- Demo highlighted upper floor walls, fixtures, and finishes as required
- Residential Buildout of new walls, fixtures, and finishes
- Repair existing windows and structural elements as needed
- Reuse doors, fixtures, and other materials in good working order
- Repair leaks, worn and damaged materials, etc. (contingency)
- Provide new doors, fixtures, and appliances in highlighted area
- Provide fire sprinklers and aux. equipment for highlighted unit
- Provide fire and smoke alarms for highlighted unit
- Repair HVAC system to highlighted apartment unit
- **Soft costs for outlined work**



**PROPOSED PLANS**  
 Scale: 3/32" = 1'-0"



**PROPOSED SECOND FLOOR PLAN**  
 Scale: 3/32" = 1'-0"

**CODE REVIEW**

**PROPOSED OCCUPANCY**

FIRST FLOOR - N.I.C. Existing restaurant A-2

SECOND FLOOR - R2 occupancy (change from B)  
 OCCUPANT LOAD - 28

**SQUARE FOOTAGES**

GROSS - 5,955 sf (no change from existing)  
 LEASABLE SPACE UNIT 1- 1,270 sf  
 LEASABLE SPACE UNIT 2- 1,000 sf

**SPRINKLERS**

SPRINKLERS REQUIRED FOR R-2 OCCUPANCY

**EGRESS**

TRAVEL DISTANCE +/-120

TWO EXITS REQUIRED

-If more than 4 units

-If travel distance is more than 125 ft.

TWO PROVIDED

-One existing

-One new

**ACCESSIBILITY**

UNITS TYPE A AND B ARE NOT REQUIRED

-If no elevator

-If existing stairs are not modified, no need to make them accessible

**SCOPE OF WORK:**

- Demo upper floor partition walls, fixtures, and finishes as required
- Residential Build out of new walls, fixtures, utilities, and finishes
- Repair existing windows and structural elements as needed
- Reuse doors, fixtures, and other materials in good working order
- Repair leaks, worn and damaged materials, etc. (contingency)
- Provide new doors, fixtures, and appliances
- Provide fire sprinklers and aux. equipment
- Provide fire and smoke alarms
- Repair HVAC system
- Build out of common space (circulation from stairs)
- New stairs for rear access

**SITE PLAN**

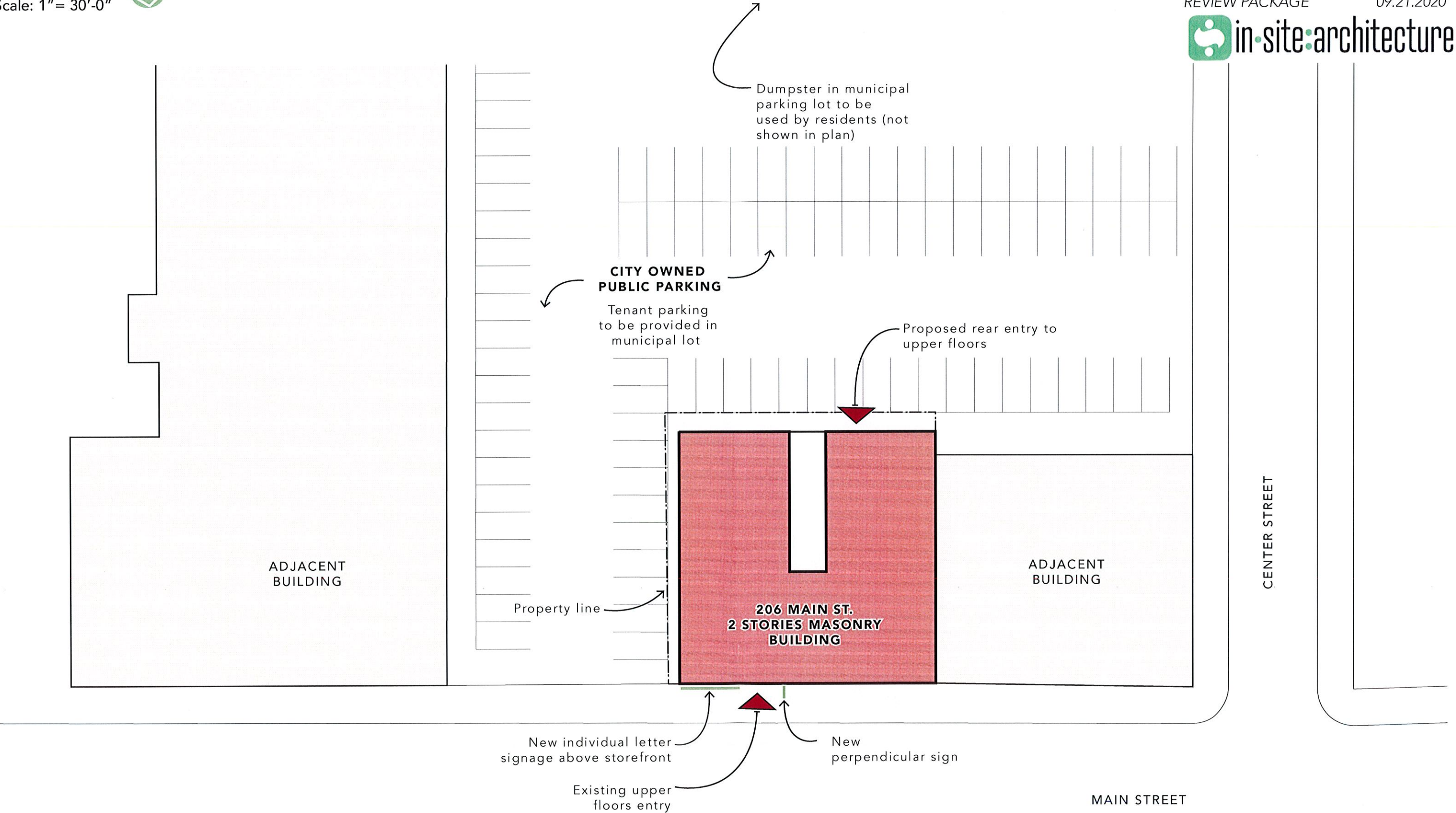
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**206 MAIN ST. BATAVIA, NY**

REVIEW PACKAGE

09.21.2020





EXISTING PLANS

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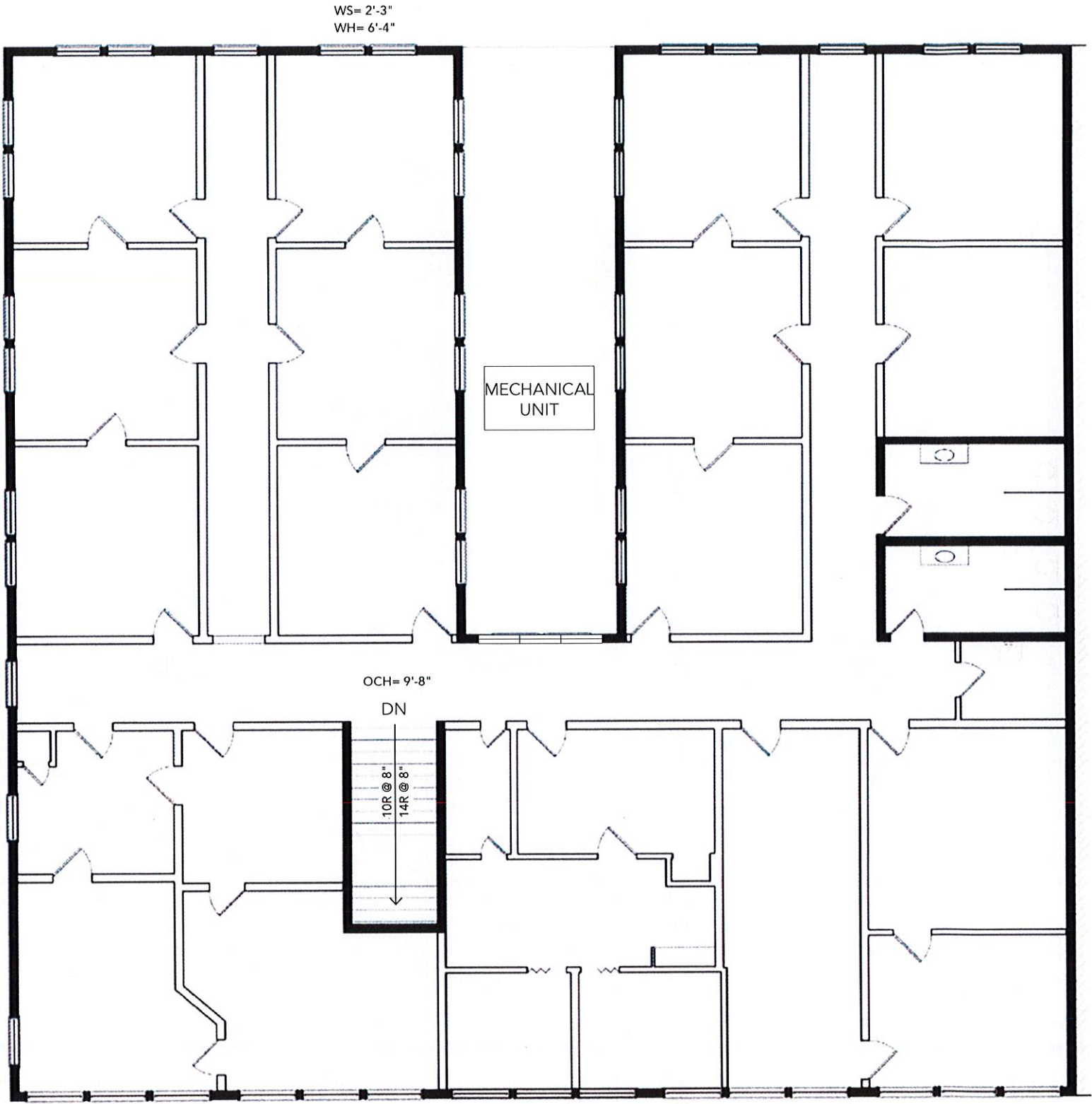
206 MAIN ST. BATAVIA, NY

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\*\* EXISTING SECOND FLOOR DRAWING PROVIDED BY CLIENT.



EXISTING SECOND FLOOR PLAN

Scale: 3/32" = 1'-0"



PROPOSED PLANS

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PROPOSED SECOND FLOOR PLAN

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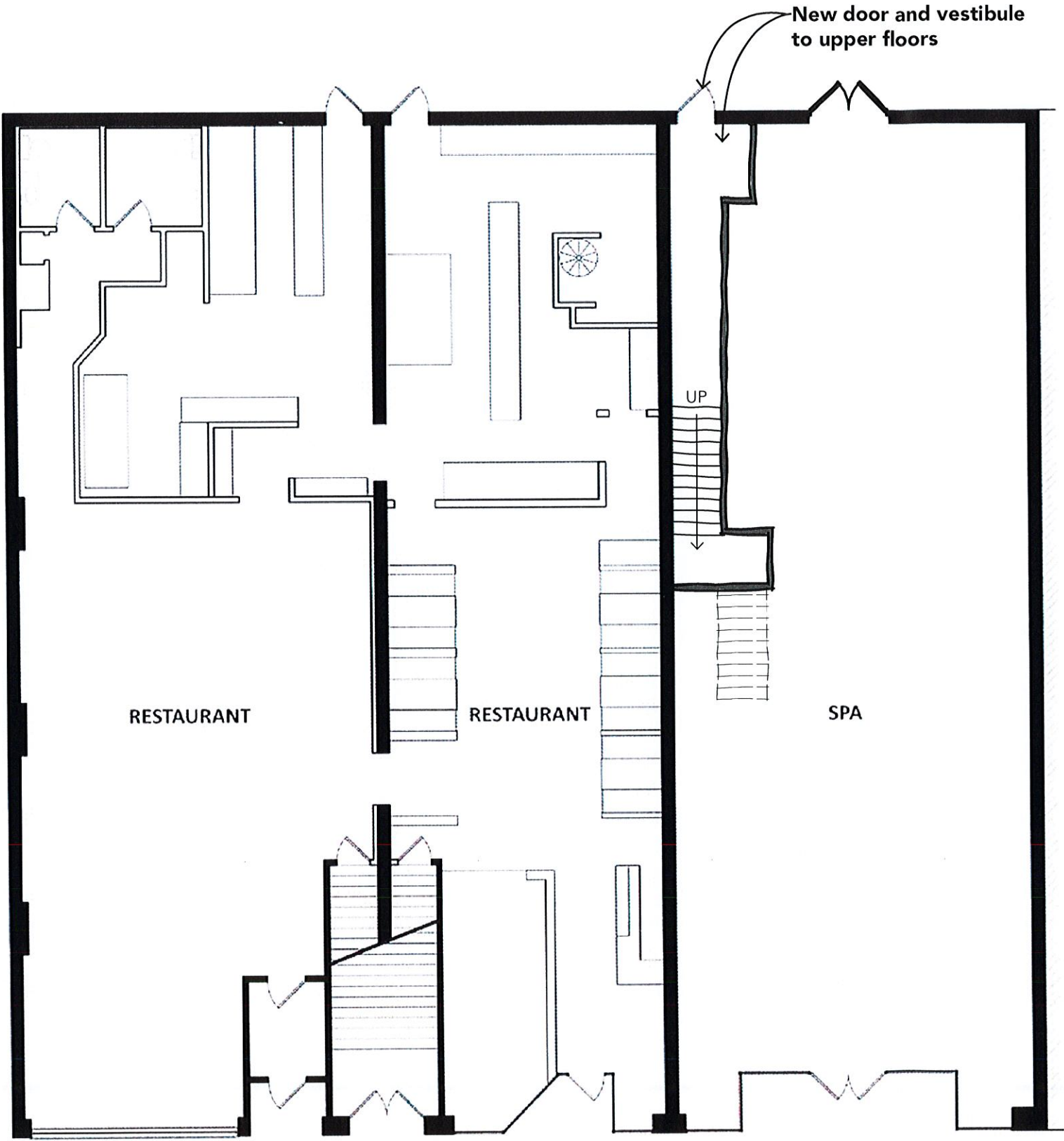
PROPOSED PLANS

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PROPOSED FIRST FLOOR MODIFICATIONS

Scale: 3/32" = 1'-0"



EXISTING EXTERIOR PHOTOS





ADJACENT BUILDINGS PHOTOS

206 MAIN STREET

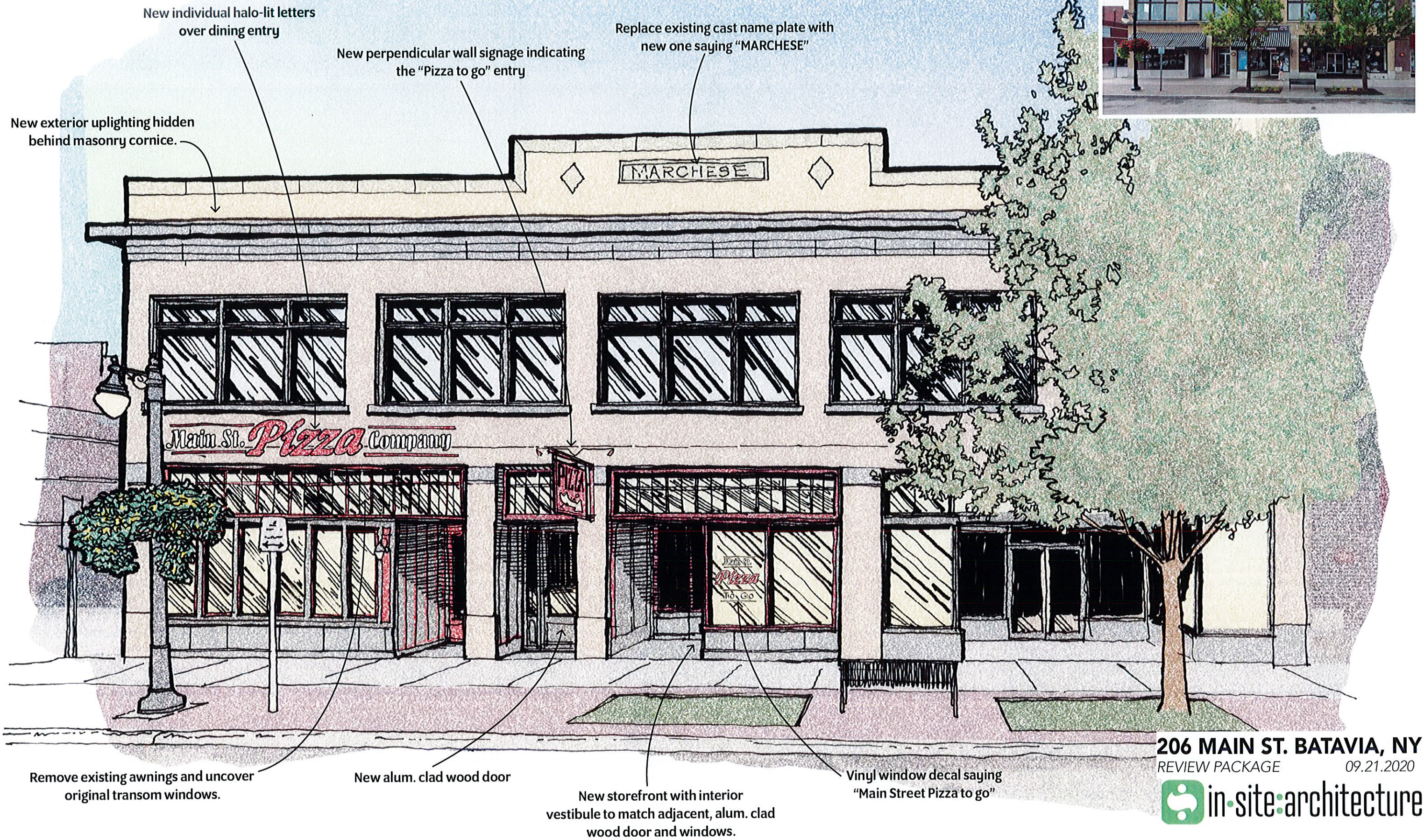


206 MAIN STREET





PROPOSED FACADE



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