

PLANNING & DEVELOPMENT COMMITTEE

Tuesday, May 18, 2021

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

AGENDA

- I. Roll Call
- II. Call to Order
- III. Approval of Minutes – 4/20/21
- IV. Proposals

Address: 282 Ross Street
Applicant: Robert Doty (owner)

Proposal 1: ZBA recommendation to widen an existing 10' wide Portland cement driveway by placing 11' of Portland cement to the south side of the existing driveway

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

Address: 19-21 Jackson Street
Applicant: Mary Valle (owner)

Proposal 2: Special Use Permit to convert an existing business office space on the second floor of this three-story building to a one-bedroom "Restricted Residential Use" dwelling unit

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

Address: 90 River Street
Applicant: Community Care of WNY Inc. (owner)

Proposal 3: Minor Subdivison to divide .081 acres from this 11.142-acre parcel of vacant land. The smaller portion will be merged into an existing .456-acre parcel know as 104 River Street

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

Address: *211 East Main Street*

Proposal 4: City Council has been petitioned to amend the current zoning ordinance to include 211 East Main Street in the surrounding C-3 central commercial use district. This parcel is currently designated within the P-2 (medical campus) and projects into the C-3 district along East Main Street. The west, south, and east lot lines abut the existing C-3 district.

Actions: 1. Review proposal
 2. Discussion and recommendations to City Council

V. Other/ New Business/Updates

VI. Setting of Next Meeting: June 15, 2021

VII. Adjournment

PLANNING & DEVELOPMENT COMMITTEE

DRAFT MINUTES

April 20, 2021

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

Members present: *David Beatty, Edward Flynn, Matt Gray, Tammy Hathaway, John Ognibene, Duane Preston*

Members absent: none

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

I. Roll Call

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

II. Call to order

Mr. Preston called the meeting to order at 6:01 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 February 16, 2021 meeting minutes.

IV. Proposals

- A. Sketch Plan review for the change of use for this existing 3,771 sq.' restaurant building: 2,771 sq.' will be used for a convenience store with retail fuel sales; 1,000 sq.' will be utilized for a drive-through restaurant

Address: 204 Oak Street

Applicant: Patricia Bittar (Director, Land Development Projects, WM Schutt Associates, Quicklee's)

- Actions:**
1. Review application
 2. Discussion and recommendation

1. Review Application

Mr. Preston read the summary of the proposal. Lou Terragnoli, Director of Real Estate for Quicklee's, and David Schutt, for WM Schutt Associates, were available to speak about the project.

Mr. Terragnoli explained that the intention is to modify the former Bob Evan's building to create a Quicklee's convenience store, which is also part quick service eat-in / drive through. Additionally, there is a fuel station component.

The building will be modified to accommodate a drive-through window. The stack, which can hold 10 vehicles, will go around the building. The parking lot can hold 40 vehicles, with three spaces designated for disabled patrons. The retail fuel service will offer four stations under a canopy.

Mr. Terragnoli told the board that the curb cut on Noonan Drive will be maintained, but since the business is intended to draw in Thruway travelers, they would like to add a curb cut with a right turn only onto Oak Street.

2. Discussion and Recommendations by the Board

Ms. Hathaway asked about the position of the right-out-only turn in relation to the Thruway. According to Mr. Terragnoli, vehicles will exit into the turning lane of the entrance onto the Thruway.

Mr. Flynn asked if Mr. Terragnoli had discussed the curb cut with the NYS DOT, and Mr. Terragnoli answered that a traffic study would be conducted, followed by a discussion with the DOT.

Mr. Flynn asked why another curb cut is necessary, and Mr. Terragnoli responded that it would offer a second egress point. Mr. Beatty pointed out that while the arrangement is meant to cater to Thruway travelers, it could be problematic for local traffic. Ms. Hathaway noted that the turning lane for Park Road is short and if drivers attempt to make a left turn, such a move could prove hazardous.

Mr. Ognibene said that he would like to see more trees on the property. Mr. Gray noted that several trees will have to be removed to create space for the project and wanted to know if they would be replaced in another location on the property. Mr. Terragnoli said they would be agreeable to planting as many trees as were originally there.

Mr. Flynn asked about signage for both business. Mr. Terragnoli said that both business would be advertised on the existing sign, which will be refaced rather than replaced.

Mr. Preston asked about lighting, since the business is open 24 hours a day. Mr. Terragnoli stated that the light would not spill onto the neighboring properties.

For the next meeting the board wishes to see:

- Sample materials
- Traffic study
- Comparisons of stacks
- 80500
- 80500
- 8
- Landscape plan

- Signage information

B. Minor Subdivision to divide a .283-acre (100' x 123') lot from this existing 10.5-acre undeveloped parcel. The 100' x 123' lot will be merged into an existing 25' x 123' neighboring parcel (71.020-1-52)

Address: 29 Northern Boulevard

Applicant: Gerald Williams, Esq. (attorney for John L. Mortellaro Sr. Trust)

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

1. Review Application

Mr. Preston read the summary of the proposal. Patrick Corona spoke on behalf of the project. He said that his family has owned the property for the past 27 years and wishes to join the parcels and increase the frontage.

Mr. Gray asked if Mr. Corona has any plans to build on the additional property. Mr. Corona answered that he has no specific plans for the immediate future. He intends to make it look more as if the properties belong together, and give his dog more room to run.

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

RESULT: Negative declaration of SEQR

3. Action by the Board

MOTION: Mr. Flynn moved to recommend approval of the subdivision; the motion was seconded by Mr. Gray, and on roll call, was approved 5-0.

RESULT: Approval of the Minor Subdivision.

C. Alteration to the previously approved design of exterior features of this building located within the Business Improvement District (BID). The proposal is to create ten 10' x 6' rooftop patios by enclosing areas outside of each dwelling unit with 42" tall protective guardrails

Address: 45-47 Ellicott Place

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

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

1. Review Application

Mr. Preston read the summary of the proposal.

2. Discussion and Action by the Board

MOTION: Mr. Flynn moved to approve the application on the condition that the color of the balconies match the existing projections; the motion was seconded by Mr. Gray, and on roll call, was approved 5-0.

RESULT: Approval of exterior changes.

- D. Sketch Plan Review for the construction of a 69,420 sq.' two story facility to house the YMCA with medical offices, off-street parking, new access point from Summit Street, and numerous site work / landscaping updates throughout the complex

Address: 207-209, 211, 213 Main Street; 211 ½ Main Street Rear; 1-9, 10, 12-26, 17-23, 28 Wiard Street; 17, 10 Summit Street; 216-220 Washington Avenue

Actions: 1. Review petition
2. Discussion and recommendations

1. Review Application

Mr. Preston read the summary of the project. Steve Tanner and David Ciurzynski, of Clark, Patterson, Lee, and Dan Ireland, of UMMC, spoke on behalf of the project.

2. Discussion and Recommendations

Mr. Tanner reported to the board that there is a petition to City Council for a zoning change so that the parcel in the middle of the project will match the same zone as the parcels on either side. The one large parcel will be owned by the YMCA and UMMC, and house the offices for UMMC's Healthy Living.

Mr. Tanner said that they would like to have an entrance on Summit Street, in order to help with the flow of traffic. The lights for the area will be positioned to prevent casting light on the neighboring houses. In addition, there will be a fence to screen the lights from houses on Washington Avenue.

There will be sufficient parking at the rear of the building to avoid pedestrian crossing from Bank Street.

A spine will run from the entrance of the building at the rear, through the entire building to Main Street. Mr. Flynn asked for an entrance on Main Street, but Mr. Tanner answered that they would prefer to keep the front as a courtyard area. Mr. Ciurzynski added that especially at this time of the COVID-19 pandemic, it is important to maintain control of the building with a checkpoint. He pointed out that security issues also exist with babies and young children in the area.

Mr. Gray noted that the words used in the YMCA's DRI proposal were, "activate Main Street and draw in pedestrians," and that he does not see the current plan delivering on the proposal. Mr. Ciurzynski responded that the services are the most important element in the idea of

activation, and indicated that there is room for growth. This part of the project is the first phase, with the possibility of more to come as funding allows.

Mr. Ireland added that outside activities could be done in the front courtyard space, which will draw people into the corridor. He said that a balance needed to be created between the spirit of what was proposed in the DRI and the operation of the facility. He said that the spirit also exists in the efforts to draw people into the campus with the health care component.

According to Mr. Ireland, it may be possible to have activities going on in the space between the YMCA and GoArt!; however, now there are limitations on space and money. Building the YMCA is a process that will continue to evolve.

Mr. Ireland addressed Mr. Gray's concern that there is no Main Street entrance or parking by noting that vehicles parked in front of the courtyard area would detract from the Main Street line of sight, and be contrary to the spirit of drawing people in. He also noted that parking on the street would involve issues with the NYS DOT.

Ms. Hathaway said that the DRI showed the front space in the building as being accessible with a juice bar and outside exercise. Mr. Ciurzynski responded that the opportunity to do that is not available yet. As not-for-profit organizations, there are difficulties with the YMCA and UMMC acting as a landlord. While those kind of opportunities may be available in the future, at this phase there is no path to put them in play.

Mr. Flynn asked Mr. Tanner and Mr. Ciurzynski to try to design some variety into the façade of the building, and Mr. Beatty asked them to consider some kind of pocket park. The board members also asked for access to the video of the virtual tour.

The items the board indicated that it wishes to see for the preliminary plans are as follows:

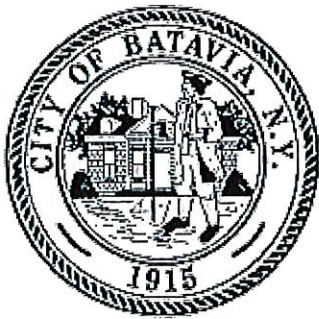
- Renderings of the rear of the building
- Details and samples of materials
- Changes to the Summit Street entrance
- Ideas for the space between the YMCA and GoArt!

V. Setting of Next Meeting: May 18, 2021

VI. Adjournment

Ms. Hathaway moved to adjourn the meeting at 7:47 p.m., and Mr. Gray seconded the motion. 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: Planning and Development Committee
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 4/27/21

Re: 282 Ross St.
Tax Parcel No. 71.020-1-78

Zoning Use District: R-1A

The applicant, Robert Doty (owner), has applied for a permit to widen an existing 10' wide Portland cement driveway by placing 11' of Portland cement to the south side of the existing driveway.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (13).

Review and Approval Procedures:

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

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

Required variances- Area

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

	<u>Permitted</u>	<u>Proposed</u>	<u>Difference</u>
Driveway width	20'	21'	1'



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 21-08
Hearing Date/Time: _____

APPLICANT:

Name Robert Doty
Street Address 282 Ross St
Batavia NY 14020
City Batavia State NY Zip 14020
E-Mail Address _____
Phone 297-6319 Fax _____

STATUS:

☒ Owner ☐ Agent for Owner ☐ Contractor

OWNER:

Name Robert Doty
Street Address 282 Ross St
Batavia NY 14020
City Batavia State NY Zip 14020
E-Mail Address _____
Phone 297-6319 Fax _____

LOCATION OF PROPERTY:

282 Ross St Batavia NY

DETAILED DESCRIPTION OF REQUEST:

Widen Existing Concrete Driveway 1' From Front Porch to the curb
11' From the Edge of Existing to the South.

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

April 12 2021
Date

Owner's Signature

Date

To be Filled out by Zoning Officer

TAX PARCEL: 71.020-1-78 ZONING DISTRICT: R-1A 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)

PAID

Provision(s) of the Zoning Ordinance Appealed:

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

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.
The Addition to the Driveway will Allow Guest to Park in the Driveway instead of on the Street.
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 Proposed Addition is only 1' wider than the Code Allows without the Variance
3. **Substantiality.** The requested area variance is not substantial.
The Area Exceeding Permissible is minimal
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.
There will be no adverse effects to the Neighborhood
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.


Applicant's Signature

April 18 2021
Date



Permit No. _____

Date: _____

DRIVEWAY AND PARKING SPACE PERMIT**\$10 fee – Please attach Survey / Illustration**APPLICANT: Western NY Concrete wnyconcrete@empacc.net
Name E-mail Address638 East Main St 585-343-6850
Street Address PhoneBatavia NY 14020
City State Zip____ Owner ____ Agent for Owner ☒ ContractorOWNER: Robert Doty robertgdoty@yahoo.com
Name E-mail Address282 Ross St 297-6319
Street Address PhoneBATAVIA NY 14020
City State ZipADDRESS OF PROPERTY: 282 Ross StDIMENSIONS OF EXISTING DRIVEWAY: Width 10 Length 60DIMENSIONS OF NEW DRIVEWAY / ADDITION: Width 11 Length 42
(2.1' Jada)SURFACE MATERIAL: Existing Concrete Proposed ConcreteJoseph A. Pengert
Applicant's SignatureMar 29, 2021
Date_____
Owner's Signature_____
Date*To be filled out by Zoning Enforcement Officer*

TAX PARCEL: _____ ZONING DISTRICT: _____ SURVEY: _____

DIMENSIONS OF LOT: Lot Frontage _____ Front Yard _____

PERCENTAGE OF LOT FRONTAGE: _____ SURFACE MATERIAL: _____

APPROVED: _____ AREA VARIANCE: _____ GRADE PLAN: _____

ISSUING OFFICER: _____ DATE: _____

ORIGINAL CONTRACT

WESTERN N.Y. CONCRETE CORP.
638 E. MAIN ST. • BATAVIA • NEW YORK • 14020 • 585-343-6850

CUSTOMER:

Robert Doty Doty

DATE:

March 11, 2021

ADDRESS:

282 Ross St.

PHONE:

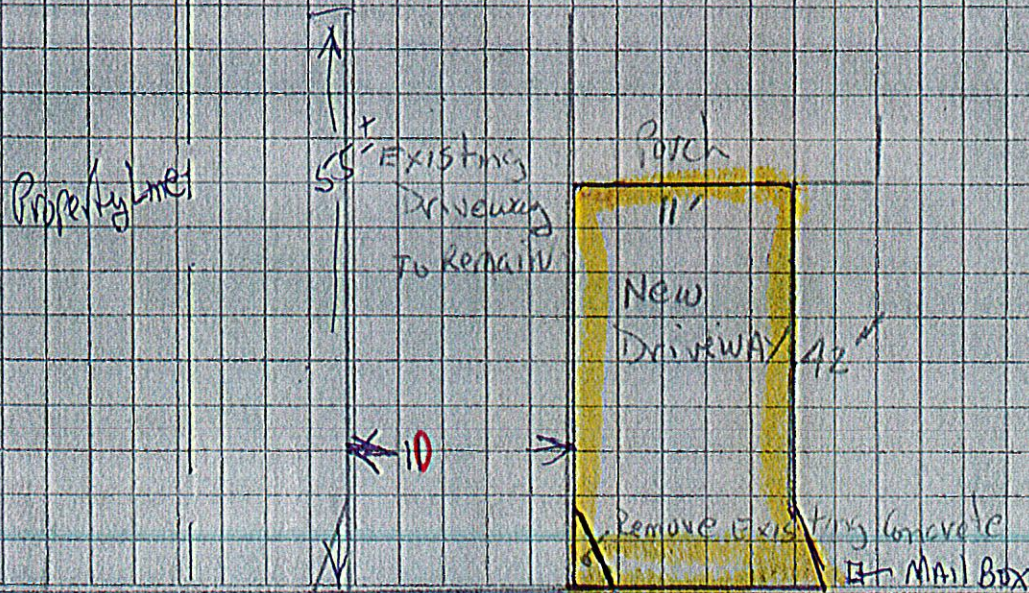
297-6319

Batavia NY

WK PHONE:

PROJECT LOCATION:

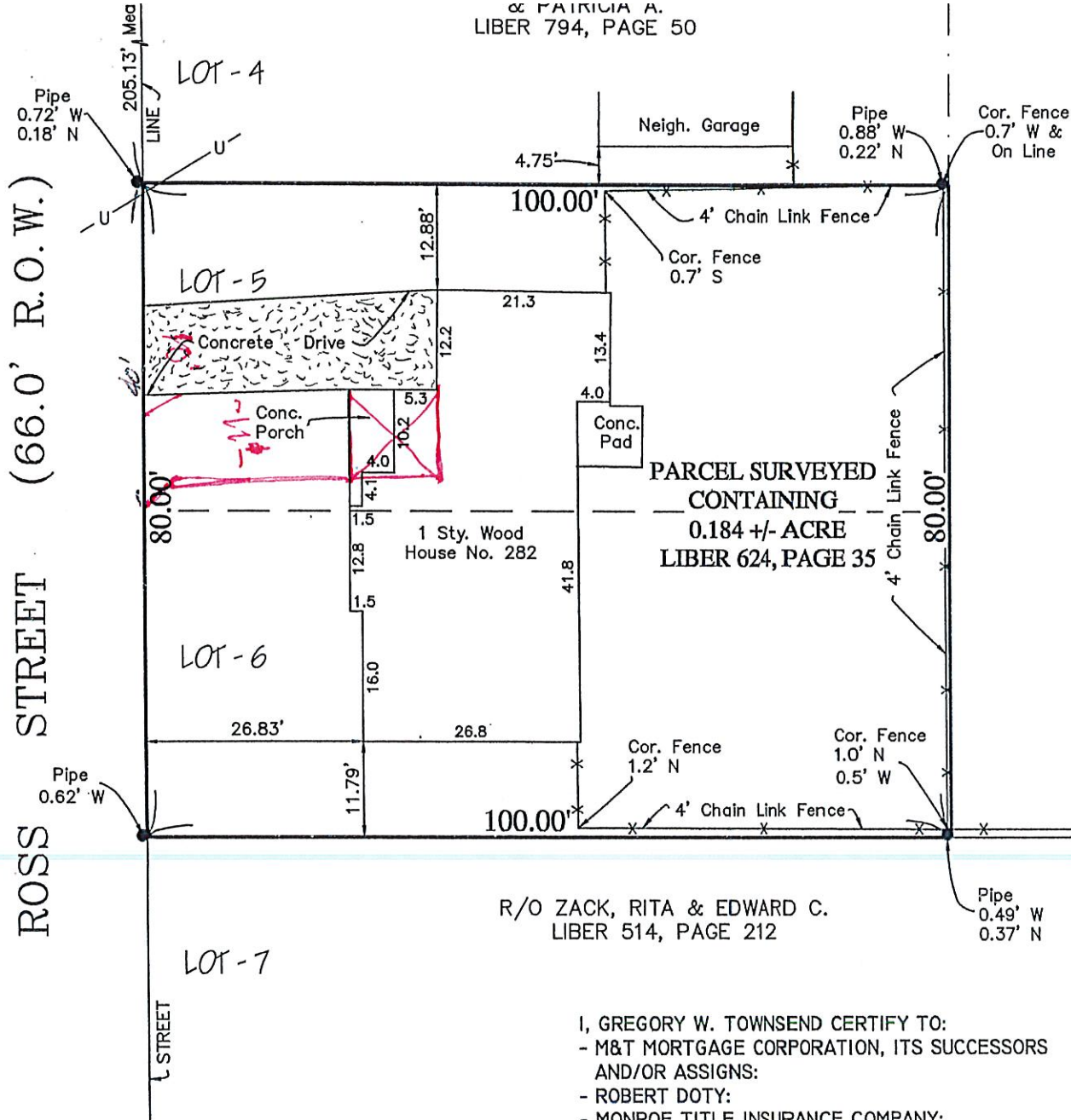
robertgdoty@yahoo.com



WE HEREBY FURNISH THE LABOR AND MATERIALS IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS AND SUBJECT TO CONDITIONS ON THE REVERSE SIDE.
CONCRETE STRENGTHS ARE DESIGN ONLY. IN PLACE STRENGTHS ARE NOT GUARANTEED.

CONCRETE WORK

- 1.) Remove Sod & Subsoil From 11' x 42' Area
Along Existing Driveway From Front Porch to Curb
- 2.) Tamp 4" Crusher Run.
- 3.) Pour 4" 2800 psi Concrete Driveway



"UNAUTHORIZED ALTERATION OR ADDITIONS TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW."

"ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES."

"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, AND ON HIS/HER BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATION ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS."

I, GREGORY W. TOWNSEND CERTIFY TO:
- M&T MORTGAGE CORPORATION, ITS SUCCESSORS
AND/OR ASSIGNS:
- ROBERT DOTY:
- MONROE TITLE INSURANCE COMPANY:

BOUNDARY SURVEY SHOWING THE PARCEL TO BE CONVEYED BEING PART OF ORIGINAL VILLAGE LOT NO. 34, DISTINGUISHED AS SUBDIVISION LOTS NOS. 5 AND 6 OF THE GEORGE HAYNES SUBDIVISION. SITUATE IN THE CITY OF BATAVIA, COUNTY OF GENESEE AND STATE OF NEW YORK.

DECEMBER 07, 2006

SCALE 1" = 20'

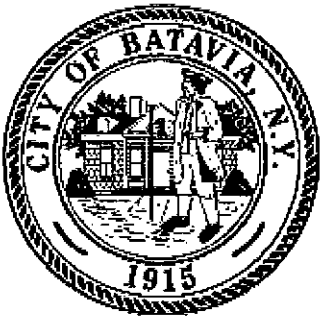
JOB NO. 06-386

DAVID S. LAMENDOLA
GREGORY W. TOWNSEND
Licensed Land Surveyors
206 East Main Street
Batavia, New York 14020
Phone (585) 344-1331
Fax (585) 343-2691

DATE

N.Y.S.R.L.S. NO. 50249





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: 4/28/21

Re: 19-21 Jackson St.
Tax Parcel No. 84.049-1-39

Zoning Use District: C-3

The applicant, Mary Valle (owner), has filed a Special Use Permit application to convert an existing business office space on the second floor of this three story building, to a one bedroom "Restricted Residential Use" dwelling unit.

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) (18).

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 parkway, throughway, expressway, road or highway

City Planning and Development Committee- Pursuant to BMC 190-37, uses requiring a Special Use Permit may be approved by the Planning and Development Committee provided compliance with the following subchapters is demonstrated .

BMC 190-37 I (1-9) Restricted Residential Uses

BMC 190-37 K (1-14) Standards applicable to all special uses permits.

BMC 100-4 Because this structure is designated a historic landmark building, the Historic Preservation Committee will need to issue a certificate of appropriateness for any changes affecting the exterior appearance of the building.

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) Planning and Development Committee

Address One Batavia City Centre

City, State, Zip Batavia, NY 14020

Phone (585) 345 - 6345 Ext. _____

2. APPLICANT INFORMATION

Name Mary Valle

Address 62 Redfield Pkwy

City, State, Zip Batavia, NY 14020

Phone (585) 781 - 0282 Ext. _____ Email maryrvalle@yahoo.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 19-21 Jackson St.

B. Nearest intersecting road East Main St.

C. Tax Map Parcel Number 84.049-1-39

D. Total area of the property _____ Area of property to be disturbed _____

E. Present zoning district(s) _____

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 190-37 I (1-9) and BMC 190-37 K (1-14)

C. Please describe the nature of this request Approval of a Special Use Permit to create a one bedroom dwelling unit

on the second floor of this three story building.

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: Floor plan, 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



SPECIAL USE PERMIT

CITY OF BATAVIA, NEW YORK

LOCATION: 19- 21 Jackson St
 OWNER: Mary Valle
 Address: 62 Redfield Pkwy
maryrvalle@yahoo.com

Application Date: 3/19/2021
 Tax Parcel No.: 84,049-1-39
 Phone No. 585 781 0282

Yes COUNTY PLANNING REVIEW

No ZONING VARIANCE REQUIRED

C-3 ZONING DISTRICT

No HISTORIC DISTRICT

C FLOOD ZONE

Yes HISTORIC LANDMARK

No CORNER LOT

No CITY ENGINEER REVIEW

No SITE PLAN REVIEW

No CITY COUNCIL REVIEW

Yes BID

N/A OTHER

PROJECT DESCRIPTION:

Converting a Commercial space
to residential.

EXISTING USE: Mixed M/B and R-3

PROPOSED USE: Mixed M and R-2

N.Y.S. BLDG. CODE OCC. CLASS: M/B and R-3

N.Y.S. BLDG. CODE OCC. CLASS: M and R-2

LOT SIZE: _____

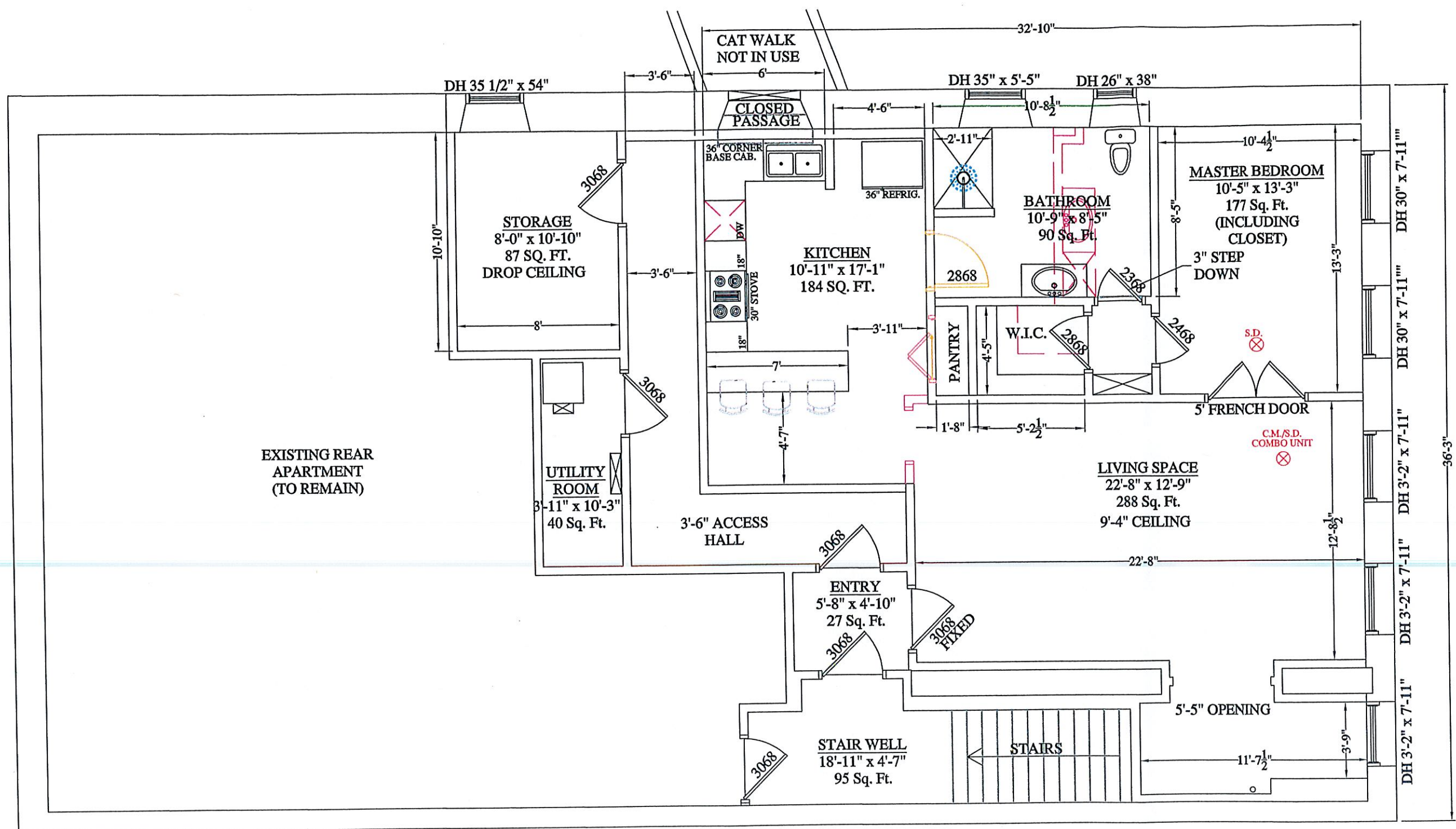
LOT AREA: _____

CITY PLANNING & DEVELOPMENT REVIEW: \$100. Fee.

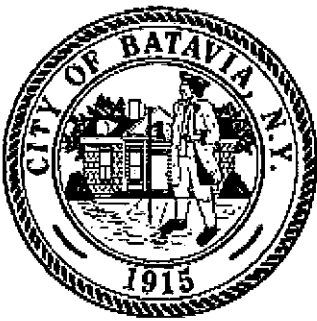
___ APPROVAL AS PRESENTED ___ DISAPPROVAL ___ APPROVAL WITH CONDITIONS

CHAIRMAN SIGNATURE: _____ DATE: _____

<u>Mary R Valle</u>	<u>3/19/21</u>	_____
Applicant Signature	Date	Issuing Officer
Permit Fee: _____	Issue Date: _____	

City of Batavia
Inspection Bureau

Sheet #:



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: 4/28/21

Re: 90 River St.
Tax Parcel No. 84.009-1-31

Zoning Use District: R-2

The applicant, Community Care of Western New York Inc., (owner), has filed a minor subdivision application to divide .081 acres from this 11.142 acre parcel of vacant land. The smaller portion is to be merged to an existing .456 acre parcel known as 104 River St.

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) (16).

Review and Approval Procedures:

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.

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) INFORMATIONBoard(s) Planning and Development CommitteeAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345-6345 Ext. _____**2. APPLICANT INFORMATION**Name Community Care of WNY Inc.Address 1225 West State St.City, State, Zip Olean, NY 14760Phone (716) 372-2106 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: Minor subdivision

Subdivision Proposal

☐ Preliminary☒ Final**4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:**A. Full Address 90 River St.B. Nearest intersecting road Pearl StC. Tax Map Parcel Number 84.009-1-31D. Total area of the property 11.142 acres Area of property to be disturbed _____E. Present zoning district(s) R-2**5. REFERRAL CASE INFORMATION:**

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

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

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

C. Please describe the nature of this request Approval to subdivide .081 acres from this parcel and merge to adjoining parcel at 104 River St.**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

Application No.: 21-07
Date: _____



MINOR SUBDIVISION APPLICATION

CITY OF BATAVIA

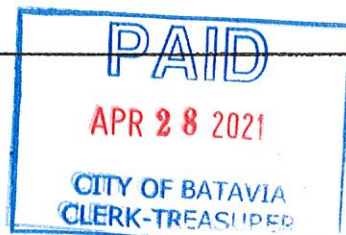
10 West Main Street, Batavia, NY 14020
Phone: (716) 343-8180 • Fax (716) 343-9221

ADDRESS OF SUBDIVISION 90 River Street Batavia, NY 14020
84.009-1-31

OWNER: Community Care of Western New York, Inc.
Name 1225 West State St. E-mail Address cmahoney@homecare-hospice.org
Street Address Olean, New York 14760 Phone 716-372-2106 Fax 716-372-3156
City, State, Zip Code

SIGNATURE Rural J. Mahoney, CEO

FEES: X \$50 Residential Subdivision _____ \$100 Non-Residential Subdivision



Gregory W. Townsend
Licensed Land Surveyors
115 Washington Avenue
Batavia, New York 14020
Phone (585) 344-1331
gwtownsendsurvey@gmail.com

Vacant Land Rear 104 River Street

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Batavia, County of Genesee and State of New York, being part of Original Village Lots Nos. 67 and 68, and more particularly described as follows:

Commencing at the intersection of the westerly street line of River Street with the northerly line of land formerly owned by the New York Central Railroad – Conhocton Grade, now owned by Niagara Mohawk Power Corporation;

Thence N 32°40'00" E, along the westerly street line of River Street, a distance of 23.91' to a point, said point being the southeast corner of Subdivision Lot No. 16 of the Riverview Park Tract Subdivision;

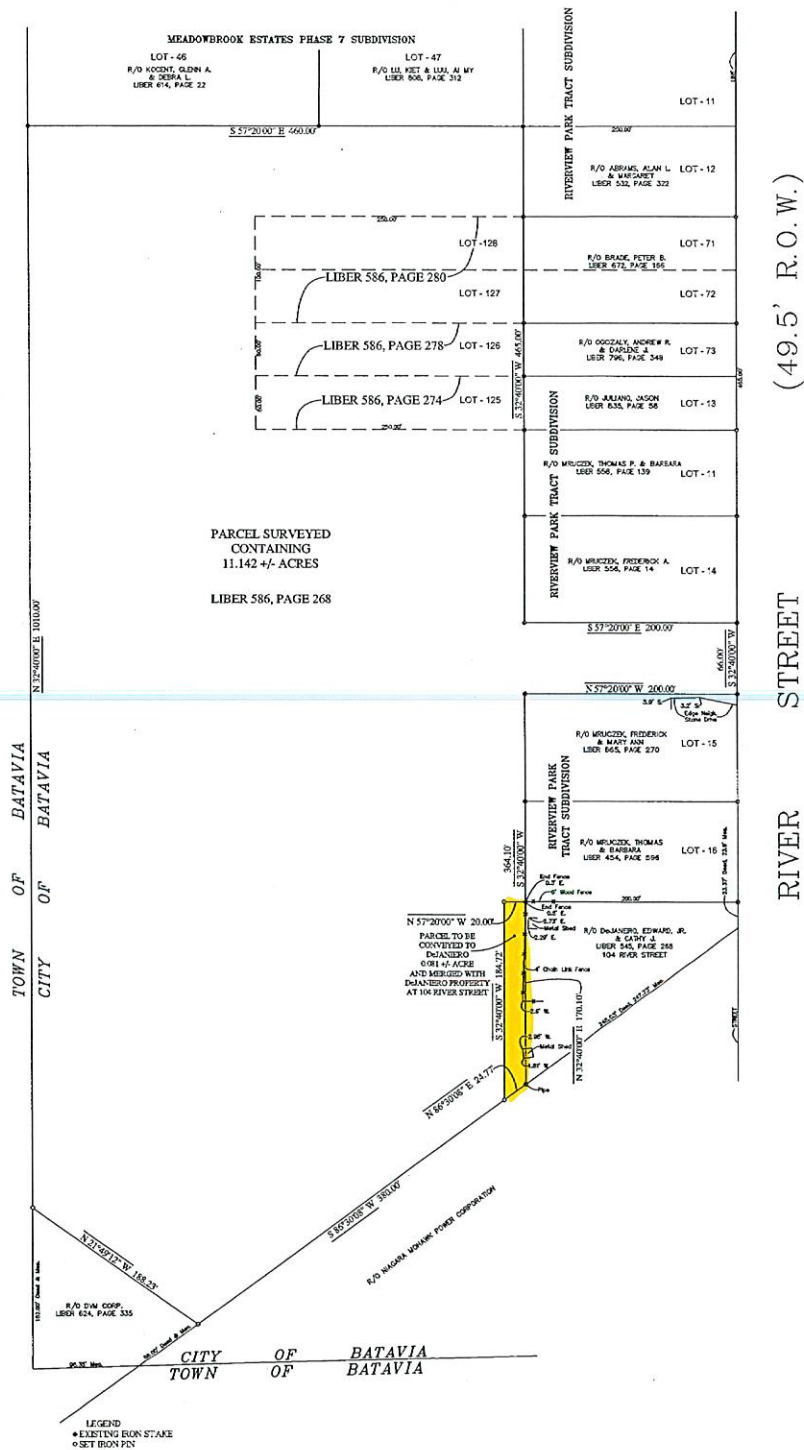
Thence N 57°20'00" W, along the southerly line of Subdivision Lot No. 16, a distance of 200.00' to the point of beginning of the parcel to be described herein, said point being the southwest corner of Subdivision Lot No. 16;

Thence N 57°20'00" W, a distance of 20.00' to a point;

Thence S 32°40'00" W, a distance of 184.72' to a point on the northerly line of Niagara Mohawk Power Corporation lands;

Thence N 86°30'08" E, along the lands of Niagara Mohawk Power Corporation, a distance of 24.77' to a point, said point being S 86°30'08" W, 247.73' from the point of commencement;

Thence N 32°40'00" E, a distance of 170.10' to the point of beginning, containing 0.081 +/- acre



LEGEND
 * EXISTING IRON STAKE
 o SET IRON PIN

REFERENCES
 RIVERVIEW PARK TRACT SUBDIVISION
 FIELD AT BOOK 4 OF MAPS, PAGE 199
 MEADOWBROOK ESTATES PHASE 7 SUBDIVISION
 BY DAVID S. LAMENDOLA, L.S., REVISED
 OCTOBER 22, 1991
 EASEMENT TO NIAGARA MOHAWK POWER CORP.
 AT LIBER 312 OF DEEDS, PAGE 95

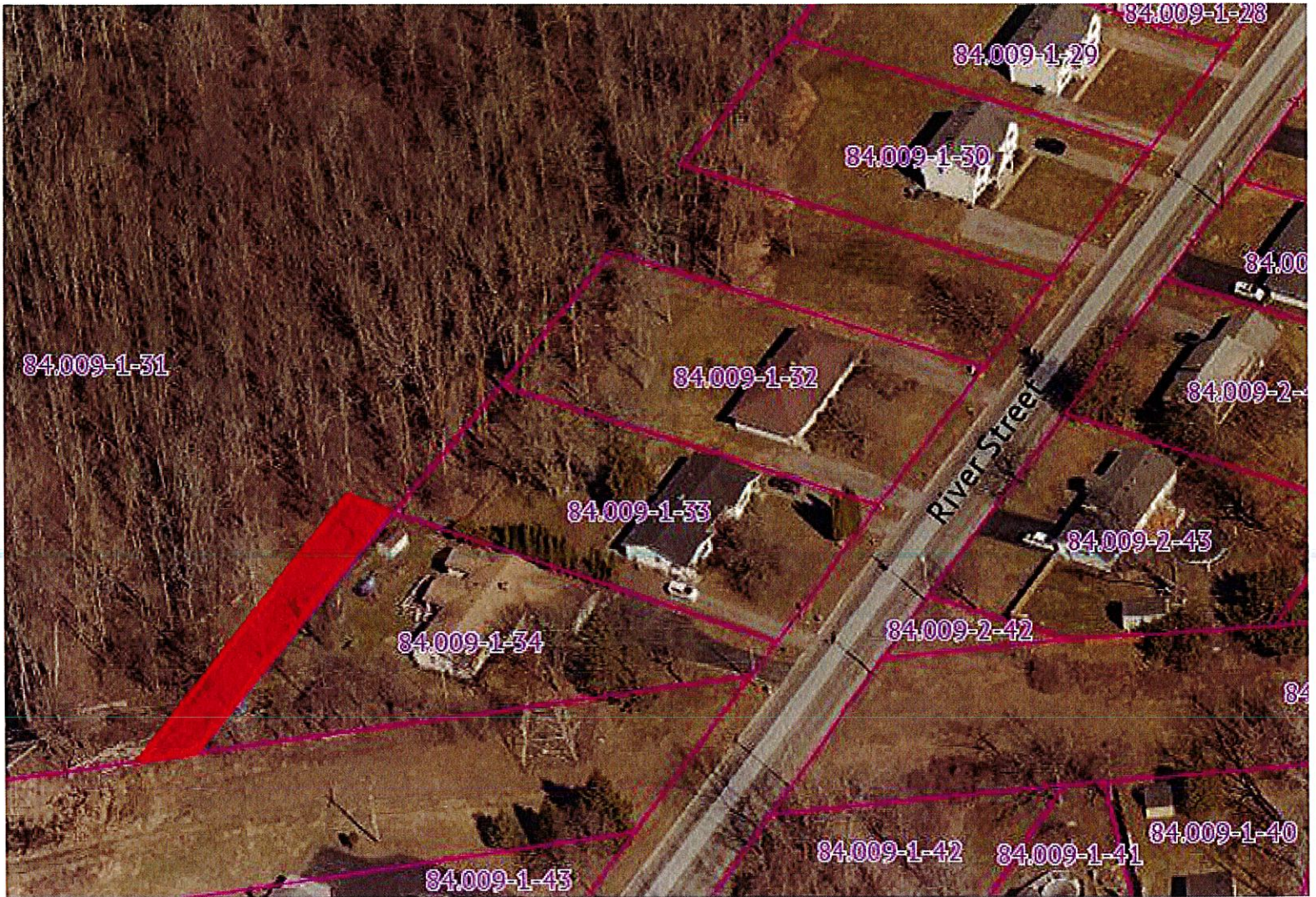
UNDEVELOPED ATTACHED OR OUTLINE
 OF A PARCEL OF LAND, SITUATE IN THE
 CITY OF BATAVIA, COUNTY OF GENESEE,
 STATE OF NEW YORK, BEING THE
 PARCEL TO BE CONVEYED TO DELANDER
 BY DAVID S. LAMENDOLA, L.S., REVISED
 OCTOBER 22, 1991. THE PARCEL TO BE
 CONVEYED IS SHOWN IN YELLOW. THE
 PARCEL TO BE CONVEYED IS SITUATE
 BETWEEN LOT 125 AND LOT 126, AND
 BETWEEN THE RIVERVIEW PARK TRACT
 SUBDIVISION AND THE MEADOWBROOK
 ESTATES PHASE 7 SUBDIVISION. THE
 PARCEL TO BE CONVEYED IS 0.91 +/-
 ACRES. THE PARCEL TO BE CONVEYED
 IS SITUATE BETWEEN LOT 125 AND
 LOT 126, AND BETWEEN THE
 RIVERVIEW PARK TRACT SUBDIVISION
 AND THE MEADOWBROOK ESTATES
 PHASE 7 SUBDIVISION. THE PARCEL
 TO BE CONVEYED IS 0.91 +/- ACRES.
 THE PARCEL TO BE CONVEYED IS
 SITUATE BETWEEN LOT 125 AND
 LOT 126, AND BETWEEN THE
 RIVERVIEW PARK TRACT SUBDIVISION
 AND THE MEADOWBROOK ESTATES
 PHASE 7 SUBDIVISION. THE PARCEL
 TO BE CONVEYED IS 0.91 +/- ACRES.

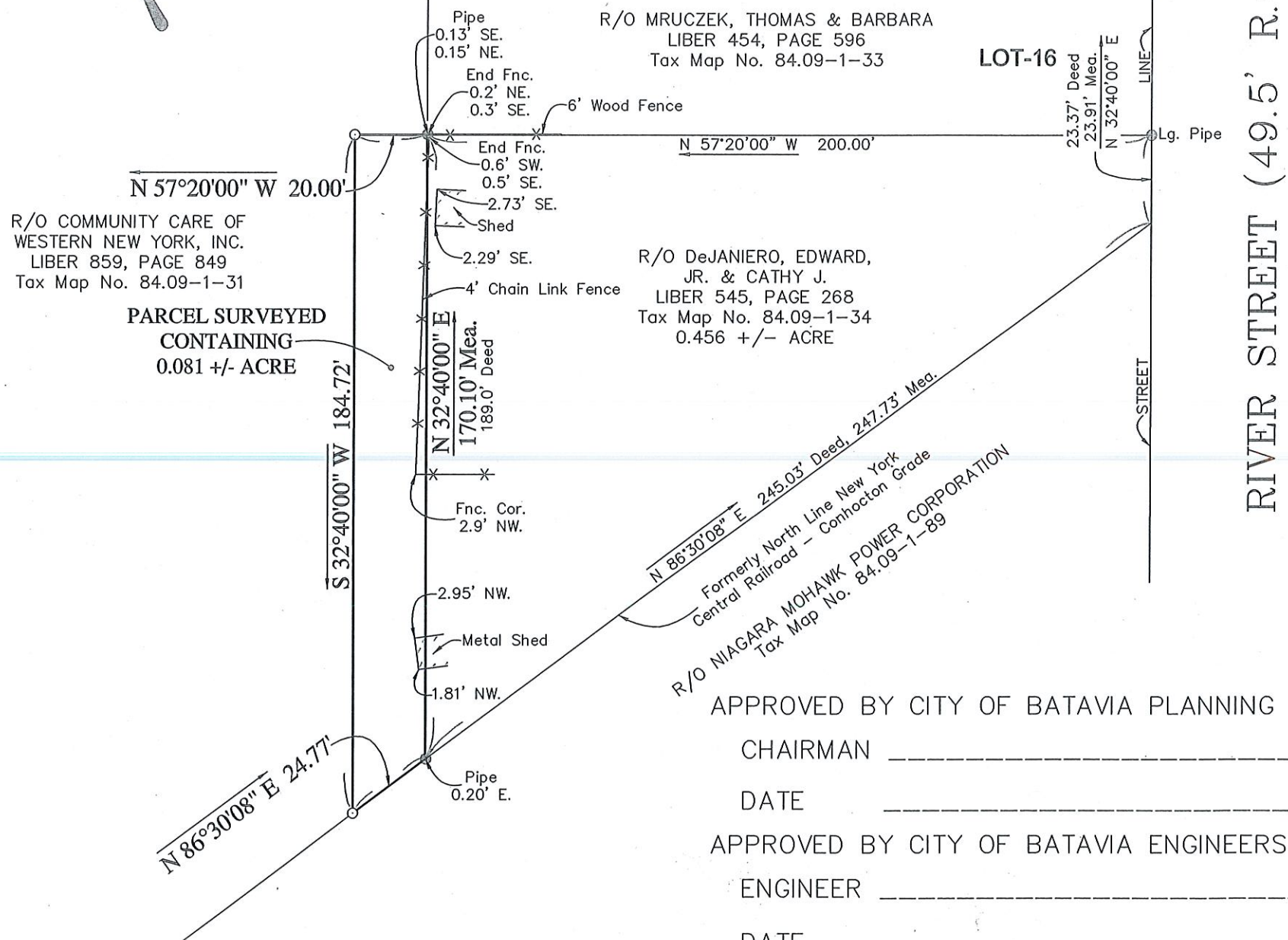
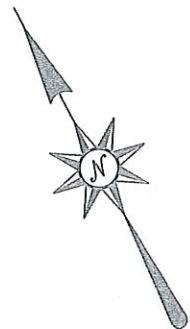
BOUNDARY SURVEY SHOWING THE PARCEL
 TO BE CONVEYED BEING PART OF VILLAGE
 LOTS 67 AND 68. SITUATE IN THE CITY
 OF BATAVIA, COUNTY OF GENESEE AND
 STATE OF NEW YORK.
 OCTOBER 12, 2008 SCALE 1" = 50'
 JOB NO. 06-306

NOTE:
 - THIS MAP HAS BEEN REVISED TO SHOW THE PARCEL TO BE CONVEYED
 TO DELANDER. THE FIELD WORK HAS BEEN DONE ON THE ORIGINAL
 11.12 +/- ACRE PARCEL EXCEPT FOR WORK SURROUNDING THE
 PARCEL TO BE CONVEYED. THESE REVISIONS WERE MADE PER 22,
 200 BY GREGORY W. TOWNSEND, L.L.S.
 - THE PARCEL TO BE CONVEYED TO DELANDER IS TO BE HEREPWITH
 DELANDER PROPERTY AT 104 RIVER STREET

DAVID S. LAMENDOLA
 GREGORY W. TOWNSEND
 Licensed Land Surveyors
 200 East Main Street
 Batavia, New York 14020
 Phone 585 344-1332
 Fax 585 344-2881

DATE N.Y.S.R.L.S. No. 50249





LEGEND
● EXISTING IRON STAKE
○ SET IRON PIN

REFERENCES
RIVERVIEW PARK TRACT SUBDIVISION
FILED AT BOOK 4 OF MAPS, PAGE 199
SURVEY MAP NO. 06-306 BY GREGORY W.
TOWNSEND, L.S., DATED OCTOBER 12, 2006

NOTES:
- The parcel surveyed is part of land conveyed to
Community Care of Western New York, Inc. at
Liber 859 of Deeds, page 849
- The parcel surveyed is part of Tax Map No.
84.09-1-31
- The parcel surveyed is to be merged with Tax
Map No. 84.09-1-34

"UNAUTHORIZED ALTERATION OR ADDITIONS
TO A SURVEY MAP BEARING A LICENSED LAND
SURVEYOR'S SEAL IS A VIOLATION OF SECTION
7209, SUB-DIVISION 2. OF THE NEW YORK
STATE EDUCATION LAW."

"ONLY COPIES FROM THE ORIGINAL OF THIS
SURVEY MARKED WITH AN ORIGINAL OF THE
LAND SURVEYOR'S EMBOSSED SEAL SHALL
BE CONSIDERED TO BE VALID TRUE COPIES."

"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,
AND ON HIS/HER BEHALF TO THE TITLE COMPANY,
GOVERNMENTAL AGENCY AND LENDING INSTITUTION
LISTED HEREON, AND TO THE ASSIGNEES OF THE
LENDING INSTITUTION. CERTIFICATION ARE NOT
TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR
SUBSEQUENT OWNERS."

This particular referenced action is not subject to
Genesee County Health Department review under
New York State Public Health Law Article 11 Title II

Signature _____

Date _____

APPROVED BY CITY OF BATAVIA PLANNING BOARD
CHAIRMAN _____

DATE _____

APPROVED BY CITY OF BATAVIA ENGINEERS
ENGINEER _____

DATE _____

FILED IN GENESEE COUNTY CLERK'S OFFICE AS:

CABINET NO. _____, MAP No. _____, SLIDE No. _____,

COUNTY CLERK _____

DATE _____

I HEREBY CERTIFY THAT THIS LAND SEPARATION AND MERGER
PREPARED BY ME, AND WAS MADE FROM AN ACTUAL SURVEY
COMPLETED BY ME ON APRIL 19, 2021 AND REFERENCES
LISTED HEREON

BOUNDARY SURVEY SHOWING THE SEPARATION AND
MERGER OF LANDS OF COMMUNITY CARE OF WESTERN
NEW YORK, INC., BEING PART OF ORIGINAL VILLAGE
LOTS NOS. 67 AND 68. SITUATE IN THE CITY OF
BATAVIA, COUNTY OF GENESEE AND STATE OF NEW
YORK

APRIL 19, 2021 SCALE 1" = 40'
JOB NO. 21-173

04/22/21 Gregory W. Townsend
DATE N.Y.S.R.L.S. No. 50249

REAL PROPERTY TAX SERVICES

DATE _____

APPROVED BY _____



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: 5/3/21

Re: 211 East Main St. (84.011-1-29)

City Council has been petitioned to amend the current zoning ordinance to include 211 East Main Street in the surrounding C-3, Central Commercial use district.

This parcel is currently designated within the P-2 (medical campus) and projects into the C-3 district along East Main St. The west, south and east lot lines abut the existing C-3 district.

City Council has requested the Planning and Development Committee review the request and make recommendations for their consideration.

Review 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 City Charter chapter 13-3, the Planning and Development Committee shall serve in an advisory capacity to City Council and make recommendations regarding proper use of private lands as outlined in the comprehensive plan.

BMC 190-51 If the PDC fails to file a report within thirty days after referral, the proposed amendment shall be deemed approved, and City Council may proceed.

City Council 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) INFORMATIONBoard(s) Batavia City CouncilAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345 - 6345 Ext. _____**2. APPLICANT INFORMATION**Name Batavia City CouncilAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345 - 6327 Ext. _____ Email drandall@batavianewyork.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

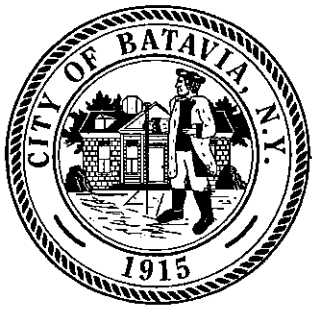
☐ Preliminary☐ Final**4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:**A. Full Address 211 East Main St.B. Nearest intersecting road WiardC. Tax Map Parcel Number 84.011-1-29D. Total area of the property .75 acres Area of property to be disturbed _____E. Present zoning district(s) P-2**5. 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

C. Please describe the nature of this request Approval to change zoning from P-2 to C-3**6. ENCLOSURES** – Please enclose copy(s) of all appropriate items in regard to this referral☒ Local application☐ Site plan☐ Subdivision plot plans☒ SEQR forms☐ Zoning text/map amendments☐ Location map or tax maps☐ Elevation drawings☐ Agricultural data statement☐ New or updated comprehensive plan☒ Photos☒ Other: Cover letters**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

Memorandum

To: Honorable City Council Members

From: Rachael J. Tabelski, MPA, City Manager

Date: April 29, 2021

Subject: Petition to Re-Zone 211 E. Main St.

United Memorial Medical Center (UMMC), affiliated with Rochester Regional Health (RRH) currently owns a parcel of land located at 211 East Main St.

UMMC/RRH has submitted a petition to re-zone this parcel from a P-2 to a C-3 commercial designation as they plan to collaborate with the GLOW YMCA Inc. to build a collaborative Healthy Living Campus. The Healthy Living Campus will span two parcels 213 and 211 East Main St. 213 East Main St. is currently zoned C-3.

Attached is the Petition to Re-Zone for your review, and the current zoning map.

As New York Consolidated Laws, General City Law - GCT § 27 provides City Council with the authority to refer matters to the Planning and Development Committee, I recommend that Council refer this petition to the City of Batavia Planning and Development Committee for review and recommendation.

#-2021

A RESOLUTION REFERRING THE PETITION TO REZONE 211 EAST MAIN STREET TO THE PLANNING AND DEVELOPMENT COMMITTEE

Motion of Councilperson

WHEREAS, the City Council is desirous of reviewing the Batavia Municipal Code, Section §190, in response to a petition from United Memorial Medical Center (UMMC), requesting a parcel, 211 East Main Street, to be re-zoned; and

WHEREAS, under the City Charter § 13-3 the City Planning and Development Committee shall have such powers and duties to serve in an advisory capacity and provide such advice as to assist the City Council in developing a strategy that interprets, plans and leads in the implementation of land use matters relating to public and private development within the City of Batavia; and

WHEREAS, General City Law - GCT § 27 provides City Council with the authority to refer matters to the Planning and Development Committee requesting reviews and recommendations regarding planning and development within the City of Batavia.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia hereby request that the City Planning and Development Committee review a Petition to Re-Zone 211 East Main Street, and make a recommendation to the City Council for consideration.

**Seconded by Councilperson
and on roll call**

PETITION TO RE-ZONE
211 East Main Street , SBL No. 84.11-1-29
Batavia, New York

United Memorial Medical Center, parcel owners, and Ciurzynski Consulting LLC, the owner's representative, hereby submit the within Petition to Re-zone the above-referenced parcel from P-2 to C-3.

Background

We are seeking to have the City of Batavia re-zone one parcel located at 211 East Main Street, Batavia, NY 14020. The parcel is currently owned by United Memorial Medical Center an affiliate of Rochester Regional Health. We are entering into agreement with the GLOW YMCA to develop 211 and 213 East Main Street for the construction of the GLOW YMCA/UMMC Healthy Living Campus which will house the new YMCA and healthy living offices. United Memorial Medical Center will retain ownership of the proposed rezoned property with plans to enter into a condominium arrangement with the GLOW YMCA for the proposed Healthy Living campus project. Apparently the property was zoned P-2 for many years given the Cary building that currently stands on the property was used by the former St. Jerome Hospital and recently by United Memorial Medical Center hospital, and is currently is listed as P-2 on the City of Batavia zoning map. The property is surrounded by C-3 zoning and was likely kept as P-2 given the use of the building at the time of the zoning map changes. A copy of the existing City zoning map is attached as Exhibit A. The property was most recently used as Medical office Building Storage, however the building will be demolished to make way for the new GLOW YMCA/UMMC Healthy living campus upon approval of this re-zone request.

Adjoining Uses

The property is surrounded on 3 sides (east, west and south) by the C-3 zoning district and is bordered on the north by the P-2 district. We have discussed our proposed use with the adjoining property owners to the west, the GLOW YMCA (UMMC owns the property to the east and north). Attached as Exhibit B is a petition signed by the owners of the adjoining property, indicating they are in favor of having the property re-zoned to C-3.

Proposed Future Use

We intend to take the following steps regarding the existing buildings:
Demolish the existing building located on the property, combine the 211 and 213 properties and build the new GLOW YMCA/UMMC Healthy Living Campus. Upon completion of the construction of the new campus, the existing YMCA will be demolished.

WHEREFORE, Petitioners respectfully request that the City Council of the City of Batavia amend the zoning for 211 East Main Street, SBL No. 84.11-1-29, Batavia, New York to C-3

DATED: April 6, 2021



Daniel Ireland, President
Rochester Regional Health/United Memorial Medical Center



David Ciurzynski, Ciurzynski Consulting

STATE OF NEW YORK)
COUNTY OF Genesee SS.:

On the 22 day of April, 2021, before me, personally appeared Daniel Ireland, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Anne M. Hardie
Notary Public - State of New York
No. 01HA6151948
Qualified in Genesee County
My Commission Expires August 28, 2022



Notary Public
(Anne Hardie)

STATE OF NEW YORK)
COUNTY OF Genesee) SS.:

On the 26 day of April, 2021, before me, personally appeared David Ciurzynski, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

LISA L. LYONS
Notary Public - State of New York
No. 01LY6254122
Qualified in Genesee County
Commission Expires January 9, 2024

