

PLANNING & DEVELOPMENT COMMITTEE

Tuesday, July 17, 2018

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

AGENDA

I. Roll Call

II. Call to Order

III. Approval of Minutes – 6/19/18

IV. Proposals

Address: 643 East Main St.

Applicant: Daniel DiLaura (agent for owner)

Proposal: Special Use Permit to allow for short term “Outside Storage” of
impounded/accident recovery automobiles as part of a towing operation

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

V. Other/ New Business/Updates

VI. Setting of Next Meeting: August 21, 2018

VII. Adjournment

PLANNING & DEVELOPMENT COMMITTEE

MINUTES

June 19, 2018

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

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

Members absent: Matt Gray, Marc Staley

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

I. Roll Call

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

II. Call to order

Mr. Preston called the meeting to order at 6:01 pm.

III. Previous Meeting Minutes

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

RESULT: Approval of May 15, 2018 meeting minutes.

IV. Proposals

- A. Recommendation to the ZBA for an Area Variance: widen an existing 10.5' wide loose stone driveway/parking area by placing an additional 6.5' of loose stone to the south side of the existing driveway/parking area in the front yard of this property

Address: *16 Otis St.*

Applicant: Dominic Cervone (owner)

- Actions:
1. Review application
 2. Discussion and recommendations to the ZBA for Area Variance

1. Review Application

Mr. Preston read the summary of the proposal. Mr. Cervone explained that both of his children now drive and that he needs to have another vehicle. The driveway is too short to park more than one car and the only way to add space is to widen it.

2. Discussion and Recommendation to the ZBA

Mr. Knipe clarified that the driveway on the north side of the property belongs to the neighbor, and the driveway on the south side belongs to the other neighbor. Mr. Cervone only has a stone driveway that reaches as far as his porch.

Mr. Cervone further explained that the neighbor's fence does not allow enough room for a car to get behind the house, and the building behind the house is not a garage.

Mr. Flynn asked for a determination of whether two vehicles could fit lengthwise along the fence. Mr. Randall responded that there is insufficient room to stack two vehicles in that location.

Mr. Flynn noted that the requested driveway would be twice the size allowed but acknowledged that there is no other viable solution.

MOTION: Mr. Knipe moved to recommend approval of the application as submitted; the motion was seconded by Ms. Hathaway, and on roll call, was approved 4-0.

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

- B. Recommendation to the ZBA for an Area Variance: widen an existing 11.3' wide driveway by placing 4' of stone on the east side and 4.7' on the west side of the existing driveway

Address: 212 Richmond Ave.

Applicant: Sarah Strumpf (owner)

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

1. Review Application

Mr. Preston read the summary of the proposal.

2. Discussion and Action by the Board

Ms. Strumpf explained that her property is located across the street from Notre Dame School, which is a busy area. She said that it is difficult to switch around two cars and hazardous for pedestrians.

Mr. Flynn asked if the driveway will be stone, and Ms. Strumpf answered that though the driveway is currently stone, the new one will be made of concrete.

MOTION: Mr. Flynn moved to recommend approval of the proposal; the motion was seconded by Mr. Knipe, and on roll call, was approved 4-0.

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

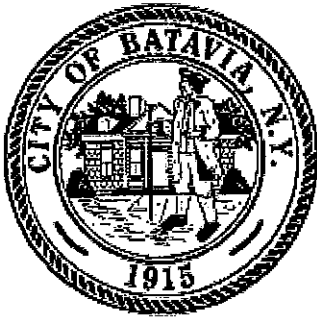
V. Other/New Business/Updates: none

VI. Setting of Next Meeting: July 17, 2018

VII. Adjournment

Mr. Preston moved to adjourn the meeting at 6:18 p.m.

Meg Chilano
Bureau of Inspection Secretary



City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020

(585)-345-6345

(585)-345-1385 (fax)

To: Genesee County Planning
Planning and Development Committee

From: Doug Randall, Code Enforcement Officer

Date: 6/29/18

Re: 643 East Main St. Rear
Tax Parcel No. 85.013-1-12-112

Zoning Use District: I-1

The applicant, Daniel Dilaura (agent for owner), has applied for a Special Use Permit to allow for short term "Outside Storage" of impounded/accident recovery automobiles as part of a towing operation.

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 190-37 of the zoning ordinance, the Planning and Development Committee is to authorize Special Use Permits prior to issuance.

190-15 C (1) Outside storage is permitted with issuance of a special use permit.

190-37 K The PDC may issue Special Use Permits after it has found the standards and conditions of this section have been satisfied, see attached.

The PDC will be the lead agency to conduct SEQR.



SPECIAL USE PERMIT

CITY OF BATAVIA, NEW YORK

LOCATION: 643 E. Main rear (85.013-1-12.112)

OWNER: DAN MATICE / 643 LLC

Address: 643 East Main St rear.
Batavia NY 14020

Application Date: 6/28/18

Tax Parcel No.: 12.112

Phone No. 585-343-7210

☒ COUNTY PLANNING REVIEW

No ZONING VARIANCE REQUIRED

I-1 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

No BID

None OTHER

PROJECT DESCRIPTION: Special use permit for outside storage -

Please Contact Dan Dilmore @ 343-7210

EXISTING USE: Warehouse / Vacant land

PROPOSED USE: Car Storage for impound / Accident Approx 45 Days per car occurrence.

N.Y.S. BLDG. CODE OCC. CLASS: ---

N.Y.S. BLDG. CODE OCC. CLASS: ---

LOT SIZE: .78 acres

LOT AREA: .78 acres

CITY PLANNING & DEVELOPMENT REVIEW:

--- APPROVAL AS PRESENTED --- DISAPPROVAL --- APPROVAL WITH CONDITIONS

CHAIRMAN SIGNATURE: _____ DATE: _____

<u>[Signature]</u> Applicant Signature	<u>6/28/18</u> Date	_____ Issuing Officer
Permit Fee: _____	Issue Date: _____	

SEND OR DELIVER TO:

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

DEPARTMENT USE ONLY:

GCDP Referral # _____



*** GENESEE COUNTY ***
PLANNING BOARD REFERRAL

Required According to:

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

1. REFERRING BOARD(S) INFORMATIONBoard(s) Planning and Development CommitteeAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345 - 6347 Ext. _____**2. APPLICANT INFORMATION**Name Dan DiLauraAddress 643 East Main St. RearCity, State, Zip Batavia, NY 14020Phone (585) 343 - 7210 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: _____

Subdivision Proposal

☐ Preliminary☐ Final**4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:**A. Full Address 643 East Main St. Rear

B. Nearest intersecting road _____

C. Tax Map Parcel Number 85.013-1-12.112D. Total area of the property .78 acres 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 _____

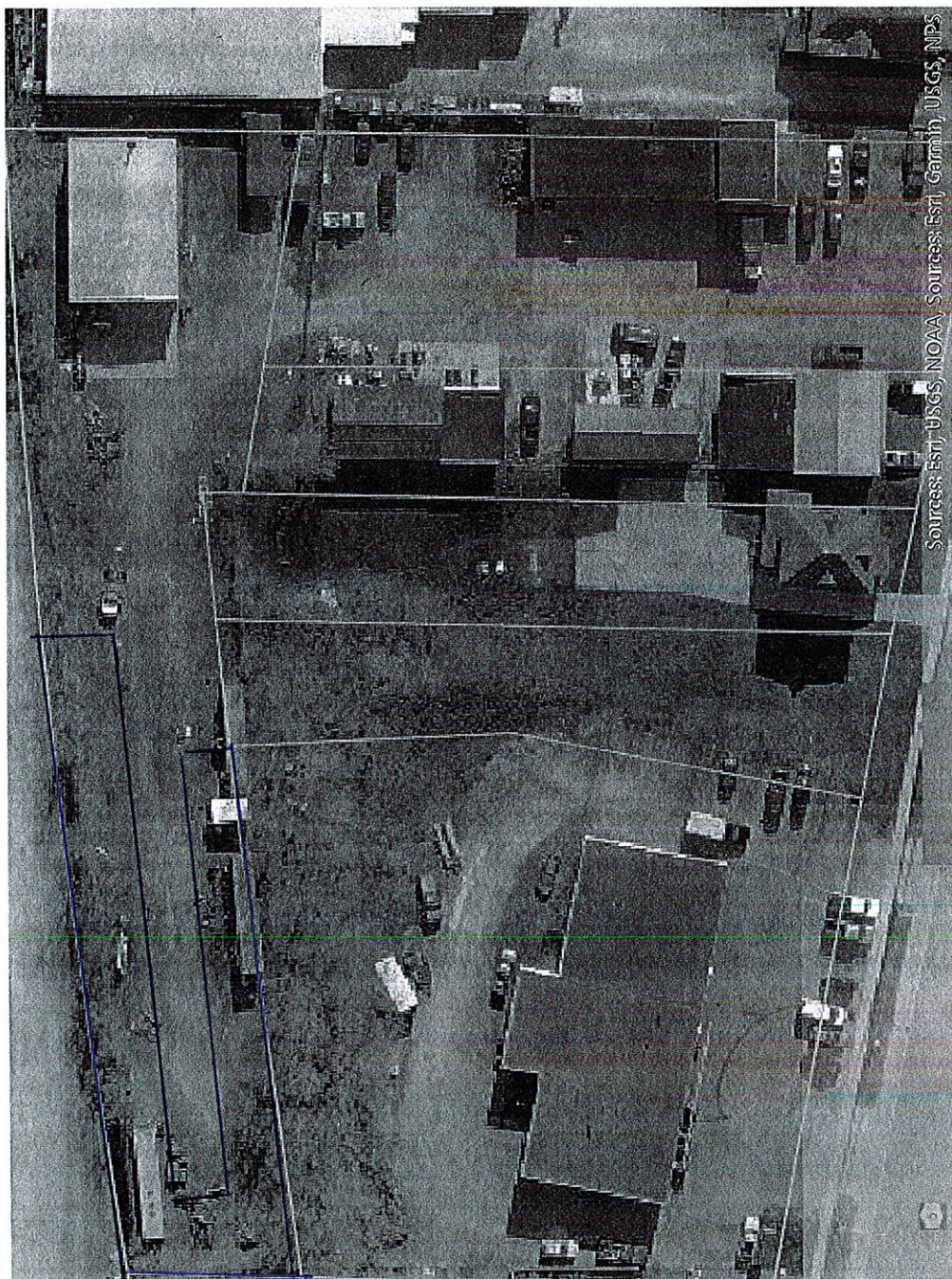
B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law

BMC 190-37KC. Please describe the nature of this request Approval to allow for short term outside storage of impounded and accident recovery automobile storage as part of a towing operation.**6. ENCLOSURES** – Please enclose copy(s) of all appropriate items in regard to this referral☒ Local application☒ Site plan☐ Subdivision plot plans☒ SEQR forms☐ Zoning text/map amendments☐ Location map or tax maps☐ Elevation drawings☐ Agricultural data statement☐ New or updated comprehensive plan☒ Photos☒ Other: Cover letters

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

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

Blue Boxed Area would be the Area used for impound / Accident + Car Area.



Sources: Esri, USGS, NOAA, Sources: Esri, Garmin, USGS, NPS

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information							
Name of Action or Project: Special Use Permit for Outdoor storage							
Project Location (describe, and attach a location map): 643 East Main St. Rear, Batavia, NY 14020							
Brief Description of Proposed Action: Short term storage of impounded/accident recovery automobiles as part of a towing operation.							
Name of Applicant or Sponsor: Danell Dilauro		Telephone: 343-7210 E-Mail:					
Address: 643 East Main St.							
City/PO: Batavia,		State: NY	Zip Code: 14020				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">NO</td> <td style="padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">NO</td> <td style="padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? .78 acres b. Total acreage to be physically disturbed? 0 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? .78 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 type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ Not required for the proposed use	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ Not required for the proposed use	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <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: <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: _____ Signature: _____		

