

# PLANNING & DEVELOPMENT COMMITTEE

Tuesday, June 20, 2023

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 – 5/16/23
- IV. Proposals

**Address:** 29 Cherry Street

**Applicant:** Jennifer Lynn Gobeyn (owner)

Proposal 1: Area Variance to remove an existing 10.5'-wide asphalt driveway and place a new 22'-wide Portland cement concrete driveway in its place. A zoning variance was granted by the ZBA on 8/28/08 to increase the width of the existing (approx..) 10.5'-wide asphalt driveway by adding 10' of width on the west side of the existing driveway

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

**Address:** 216-218 State Street

**Applicant:** Ryan McDonald (purchaser)

Proposal 2: The applicant, Ryan McDonald, is purchasing this property from the present rooming house operator, Terrence Platt. He has applied for a rooming house permit to operate an existing rooming house structure. This building contains ten rooming house units and one self-contained apartment

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

**Address:** 99 Main Street

**Applicant:** Todd Audsley (project manager)

Proposal 3: Review the PDC's previous approval process for the façade design. Mr. Audsley would like the opportunity to present the installed stone veneer, as the application pattern differs from the originally proposed uniform running bond pattern. He would like to discuss options to modify the in-place materials and satisfy the board's concerns

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

**Address:**        *301-305 West Main Street, 307 West Main Street, 4 South Lyon Street, and a portion of 6 South Lyon Street*

**Applicant:**     Ken Mistler (owner)

Proposal 4:       Sketch Plan review of a proposed project that will result in the merging of several parcels, minor subdivision, demolition of existing buildings, and construction of a Burger King restaurant with drive-through service. The purpose of the review is to provide the applicant with the opportunity to familiarize the PDC with the proposal and to obtain direction prior to the final site plan submission

Actions:           1. Review application  
                      2. Discussion

VI.        Setting of Next Meeting: July 18, 2023

VII.       Adjournment

# PLANNING & DEVELOPMENT COMMITTEE

## *DRAFT MINUTES*

**Tuesday, May 16, 2023**

**6:00 pm**

Council Board Room

One Batavia City Centre, Batavia NY

Members present: *David Beatty, Edward Flynn, Duane Preston*

Members absent: Rebecca Cohen, Derek Geib, John Ognibene

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

### **I. Roll Call**

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

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

Mr. Preston called the meeting to order at 6:00 p.m.

### **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 March 21, 2023 meeting minutes.**

### **IV. Proposals**

- A. Demolition permit that involves the complete removal of this building that is located within the Central Commercial District / BID

**Address:** *327 Ellicott Street*

**Applicant:** Brad Trzeciecki (owner)

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

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

Mr. Preston read the summary of the application.

Mr. Trzeciecki explained that they had removed the back part of the building and filled the basement in with stone in an effort to become flood compliant. The finished floor needed to be raised two feet above flood level, which would create other issues, such as ceiling height, and shoring and bracing problems. The project became cost-prohibitive.

Mr. Trzeciecki believes it would be more economically feasible to demolish the building and create a new structure on the old footprint. He would like to maximize the potential of the new building by putting in more floors and creating a larger amount of commercial space.

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

Mr. Flynn asked what material would be on the ground when the building is torn down if new construction is not started immediately. Mr. Randall noted that according to the terms of the demolition permit, if building is not started within six months of demolition, the site must be covered with topsoil and seeded.

**MOTION:** Mr. Flynn moved to approve the proposal; the motion was seconded by Mr. Beatty, and on roll call, was approved 3-0.

**RESULT: Application approved.**

### **B. Install an exterior access door in the northeast elevation of this property located within the BID**

**Address:** 31 Batavia City Centre

**Applicant:** Erika Siverling (tenant)

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

#### **1. Review Application and Discussion**

[Mr. Preston initially passed over this proposal, to give the applicant a chance to put in an appearance. After the other proposals were reviewed, the board came back to this one.]

Mr. Preston read the summary of the proposal.

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

Mr. Randall explained that Ms. Siverling wishes to expand her business into the vacant neighboring property and would like to install an access door.

**MOTION:** Mr. Beatty moved to approve the proposal; the motion was seconded by Mr. Flynn, and on roll call, was approved 3-0.

**RESULT: Application approved.**

### **C. Recommendation to the ZBA for an area variance to widen an existing 12'-wide asphalt driveway by placing 12' of asphalt to the south side of the existing driveway**

**Address:** 114 Jackson Street

**Applicant:** Brian White (owner)

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

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

Mr. Preston read the summary of the proposal.

Mr. White said that he would like to square up the space in front of his garage and create more room for his tenants and their guests so they are not parking in the street.



## **2. Discussion and Recommendation to the ZBA**

Mr. Flynn asked about the surface of the new space, and Mr. White replied that he would pave it.

**MOTION:** Mr. Beatty moved to recommend approval of the proposal as presented; the motion was seconded by Mr. Flynn and on roll call, was approved 3-0.

**RESULT: Recommendation to the ZBA for approval of the application.**

D. Exterior changes to a building that is located within the BID. The applicant is proposing to install an entrance door with a concrete accessible ramp. The proposed access ramp is located within the ROW and will require City management approval prior to placement. The PDC will be addressing the downtown design guidelines only. It is not within the PDC's powers to approve the location of the ramp on City property

**Address:** 45 Batavia City Centre / aka 6 Alva Place

**Applicant:** Ken Mistler (owner)

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

### **1. Review Application and Discussion**

Mr. Preston read the summary of the proposal.

Mr. Mistler told the board that there is a 7" drop from the outside of the door to the ground. He would like to make the entrance level with the door and allow for handicap accessibility. Mr. Mistler pointed out that this part of the project is only Phase I.

Mr. Schmieder, engineer for the project, noted that the occupancy limit will increase because of the future development. Mr. Randall explained that based on the increased occupancy of the new development, the number of doors required will increase. This is the primary reason for the current adaptation of the entrance.

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

Mr. Beatty observed that for a door that serves as the main entrance, it is plain. Mr. Flynn added that it looks more like a utility door than the main entrance to a business. Both agreed that a main door for a business should have a window, and this door is solid.

Mr. Mistler responded that now he is just asking for the access ramp and door because work on the interior cannot be accomplished without those two things. He will appear in front of the board again when he is ready to begin work on the façade.

**MOTION:** Mr. Flynn moved to approve the ramp and the door, with the understanding that the board has to review the final ramp and door design when Mr. Mistler returns with the proposal for the façade. The motion was seconded by Mr. Beatty, and on roll call, was approved 3-0.

**RESULT: Application approved.**

- E. Recommendation to the ZBA for an area variance to widen and existing 23'-wide concrete driveway by placing 30' of additional concrete to the west side of the existing driveway

**Address:** 249 Bank Street

**Applicant:** Brian Kotarski (contractor)

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

### **1. Review Application and Discussion**

Mr. Preston read the summary of the proposal.

Mr. Kotarski told the board that the owner has been ticketed for parking on the lawn and would like to create a pad to use for parking. This pad would run parallel to the sidewalk with 10.9" of space between the pad and the sidewalk. It was eventually revealed that the vehicle she wishes to park on the pad is a travel trailer.

### **2. Discussion and Recommendation to the ZBA**

Mr. Preston responded that when rear yard space is available, the board generally does not approve parking in the front yard.

Mr. Flynn pointed out that the neighbors will be affected by having a camper take up such a large amount of space that close to the sidewalk.

The board suggested that Mr. Kotarski should consider how to access the rear yard and create a parking space there instead of in the front.

**MOTION:** Mr. Flynn moved to recommend disapproval of the proposal as submitted; the motion was seconded by Mr. Beatty, and on roll call, was approved 3-0.

**RESULT: Recommendation to the ZBA to deny the application.**

- F. Sketch Plan Review: demolition of the existing building and construction of a new two-bay "Take 5 Oil Change" facility

**Address:** 325A West Main Street

**Applicant:** Mike Haigh (Quattro Development)

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

### **1. Review Application**

Mr. Preston read the summary of the proposal.

### **2. Discussion and Recommendations**

Mr. Peter Paveck was present to speak on behalf of the project. Following discussion the board offered the following recommendation:

- Consider adding a third bay

- Look for ways to add green space and landscaping
- Design a detailed site plan

[At this point, the board returned to proposal #2.]

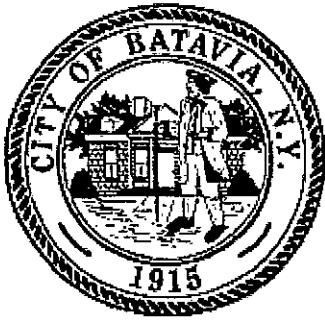
**V. Setting of Next Meeting:** June 20, 2023

**VI. Adjournment**

Mr. Preston moved to adjourn the meeting at 6:52 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: Planning and Development Committee  
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 5/30/23

Re: 29 Cherry St.  
Tax Parcel No. 84.066-1-28

Zoning Use District: R-3

The applicant, Jennifer Lynn Gobeyn (owner), has applied for a permit to remove an existing 20.5' wide asphalt driveway and place a new 22' wide Portland cement concrete driveway in its place.

A zoning variance was granted by the ZBA on 8/28/08 to increase the width of the existing (approx.) 10.5' wide asphalt driveway by adding 10' of width on the west 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 SEQ 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

- 1) 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	20.5' (variance in 2008)	22'	1.5'



CITY OF BATAVIA  
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 3023-13

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

APPLICANT: Jennifer Lynn Gobeyn jgobe2@brackport.edu  
Name E-Mail Address  
29 Cherry St 585-703-8363  
Street Address Phone  
Batavia NY 14020  
City State Zip

STATUS: ☐ Owner ☐ Agent for Owner ☐ Contractor

OWNER: Jennifer Lynn Gobeyn jgobe2@brackport.edu  
Name E-Mail Address  
29 Cherry St 585-703-8363  
Street Address Phone  
Batavia NY 14020  
City State Zip

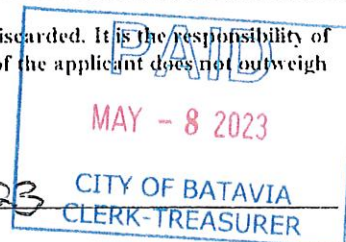
LOCATION OF PROPERTY: 29 Cherry St

DETAILED DESCRIPTION OF REQUEST: Widen private portion of driveway  
from current 20 1/2 ft wide to proposed 22 ft wide  
(a proposed increase in width of 1 1/2 ft)

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.

Jennifer Lynn Gobeyn  
Applicant's Signature

5/8/2023  
Date



Jennifer Lynn Gobeyn  
Owner's Signature

5/8/2023  
Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.066-1-28 ZONING DISTRICT: R-3 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: \_\_\_\_\_

## Criteria to Support Area Variance

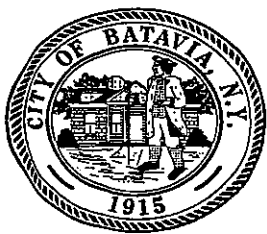
In making its determination, the zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, moral, aesthetics and welfare of the neighborhood or community. The Zoning Board of Appeals shall consider 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.  
It will not
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.  
there are no other feasible means
3. **Substantiality.** The requested area variance is not substantial.  
It is not substantial
4. **Adverse Effect or Impact.** The requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or community.  
It will not
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.  
It was not self-created

Annalisa Lynn Adams  
Applicant's Signature

5/2/2023  
Date



Permit No. \_\_\_\_\_  
Date: \_\_\_\_\_

**DRIVEWAY AND PARKING SPACE PERMIT**  
\$55 fee – Please attach Survey Illustration

ADDRESS OF PROPERTY: 29 Cherry St  
OWNER: Jennifer Lynn Gabeyn jgabey2@brockport.edu  
Name E-mail Address  
29 Cherry St 585-703-8363  
Street Address Phone  
Batavia NY 14020  
City State Zip

CONTRACTOR: Restoration Concrete / Ryan Mattern  
Name E-mail Address  
826 Shumway Rd mattern.ryan@gmail.com  
Street Address Phone  
Brockport NY 14420  
City State Zip

Jennifer Lynn Gabeyn 5/8/2023  
Owner/Contractor's Signature Date

DIMENSIONS OF EXISTING DRIVEWAY: Width 20 1/2 Ft Length 31 1/2 Ft

DIMENSIONS OF NEW DRIVEWAY / ADDITION: Width 22 Ft Length 31 1/2 Ft

SURFACE MATERIAL: Existing pavement Proposed concrete

*To be filled out by Zoning Enforcement Officer*

TAX PARCEL: \_\_\_\_\_ ZONING DISTRICT: \_\_\_\_\_ SURVEY: \_\_\_\_\_

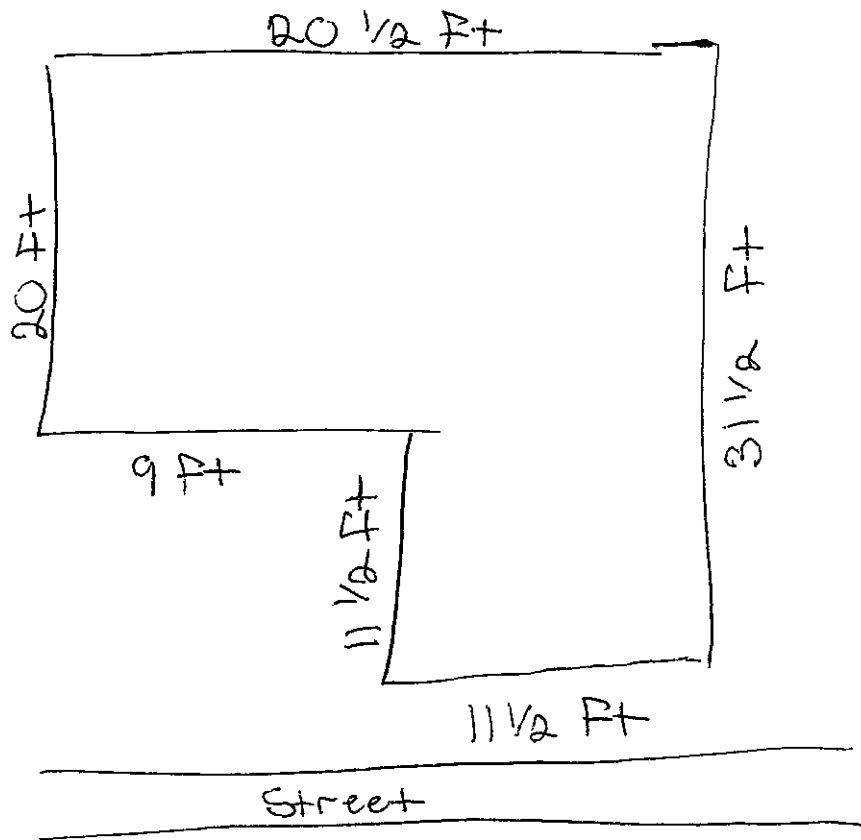
DIMENSIONS OF LOT: Lot Frontage \_\_\_\_\_ Front Yard \_\_\_\_\_

PERCENTAGE OF LOT FRONTAGE: \_\_\_\_\_ SURFACE MATERIAL: \_\_\_\_\_

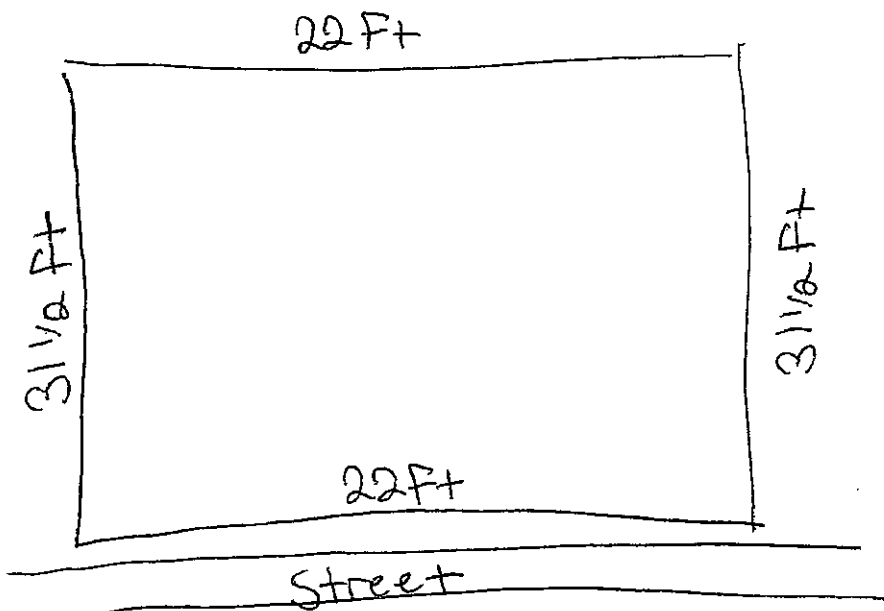
APPROVED: \_\_\_\_\_ AREA VARIANCE: \_\_\_\_\_ GRADE PLAN: \_\_\_\_\_

ISSUING OFFICER: \_\_\_\_\_ DATE: \_\_\_\_\_

Current = Pavement



Proposed = Concrete









R/O FELDMAN, CHRISTOPHER J.  
INST. #DE2016-306

GREGORY W. TOWNSEND  
Licensed Land Surveyor  
115 Washington Avenue  
Batavia, New York 14020  
Phone (585) 344-1331  
gwtownsendsurvey@gmail.com



PARCEL SURVEYED  
CONTAINING  
0.089 +/- ACRE  
LIBER 835, PAGE 600

I, GREGORY W. TOWNSEND, CERTIFY TO:  
PREMIUM MORTGAGE CORPORATION, ITS SUCCESSORS  
AND/OR ASSIGNS, AS THEIR INTERESTS MAY APPEAR  
JENNIFER GOBEYN  
JOSEPH FRAZIER, ESQ.  
DOLLINGER ASSOCIATES, P.C.  
THE TITLE INSURANCE COMPANY INSURING THE  
MORTGAGE

Formerly East Line Albert  
J. and Carol Mruczek  
Liber 361, Page 31  
Liber 405, Page 780

R/O MRUCZEK, STEPHEN  
A. & CAROL  
LIBER 805, PAGE 161

Formerly West Line  
Phillip and Rose Pillo  
Liber 299, Page 239

R/O MARTIN, JEROLD E.  
LIBER 888, PAGE 696

"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."

PRINGLE AVENUE

LOT-9

LOT-7

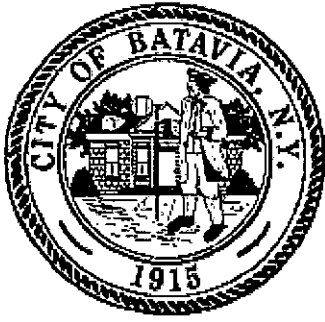
Lg. Pipe  
1.5' S.  
0.7' W.

Tilted Pipe  
1.3' S.  
0.1' W.

Drive  
2.3' E.  
0.2' W.

Pin

CHERRY STREET (50.0' R.O.W.)



*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  
From: Doug Randall, Code Enforcement Officer  
Date: 5/30/23  
Re: 99 Main St.  
Tax Parcel No. 84.049-1-21

Zoning Use District: C-3

The applicant, Todd Audsley (Project Manager), is requesting an appearance before the PDC to review the Committee's previous approval process for the façade design. He would like the opportunity to present the installed stone veneer as the application pattern differs from the originally proposed uniform running bond pattern. They would like to discuss options to modify the in-place materials and satisfy the Committee's concerns.

**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 190-14 D (2)(a) of the zoning ordinance, any action involving exterior changes requiring issuance of a building permit shall be approved by the PDC.

Project Name: 99 Main Street – Batavia, New York  
Project Number: 17-038C  
Description: Façade Renovation: UPDATE for 06-20-23 Planning Board Meeting

To: Planning and Development Committee  
Attn: Doug Randall, Code Enforcement - Officer Bureau of Inspection  
One Batavia City Centre  
Batavia, New York 14020  
Phone: 585-345-6300  
Email: DRandall@batvianewyork.com  
From: Todd Audsley – smartDESIGN Architecture, pllc  
Date: May 24, 2023

☐ Please Reply      ☐ For your use      ☐ As per request / our      ☐ For review / comments  
☐ For your approval      ☐ Other      conversation

Mr. Randall:

This is to request an appearance before the Planning Board at the meeting scheduled for June 20, 2023.

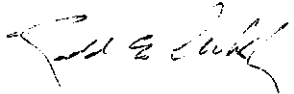
The building owners would like to review the board's previous approvals process for the façade design, and address any concerns the board has about the appearance of the stone veneer as installed.

The owners acknowledge the board's concerns, and will discuss options to modify the veneer stone in place, or, if necessary, to replace it or cover it with another material. The owners are in the process of sourcing a color-matched grout for the existing veneer, as well as alternate cladding materials to present to the board. They will have samples in hand at the time of the meeting.

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As a means of updating all parties on the history of the project and its current status, please refer to the attached files, which show the approved façade design and communication with regard to submissions and approvals.

Thank you.

A handwritten signature in black ink, appearing to read "D. Randall".

DESIGN Architecture, PLLC

Attachments:

1. 99 Main Street – FAÇADE DESIGN – (RENDERING) 11-19-21.pdf
2. 99 Main Street – FAÇADE DESIGN – (REVISED) 09-02-22.pdf
3. e – SDA – D. Randall – Façade Design 09-08-22
  - a. Screenshot: Final Submittal 09-08-22
4. e – D. Randall – SD – approved masonry veneer 09-16-22
5. Response to Planning Board 01-25-23.pdf
  - a. Screenshot: Response to Planning Board
6. Photos:
  - a. 99 Main Street façade current conditions (05-24-23)



## 99 Main street Facade - Planning and Development Committee concerns



Todd Audsley

To: Douglas E. Randall

Cc: Kumar Neppalli; vishala neppalli; allaccessbuildersllc@gmail.com



Reply

Reply All

Forward



Wed 1/25/2023 3:01 PM

SDA\_Memo - 99 Main Street Facade 01-25-23.pdf  
62 KB

Doug:

Please see the attached memo as a written response to the Planning and Development committee's concerns regarding the 99 Main Street façade.

The building owners want the committee to understand that they recognize the issue, and are committed to working with you and the committee to bring the façade into compliance. They will need some time due to weather and contractor availability. They also ask that the committee understand that on a parallel track, they need continue working with you to finish the build-out and gain a certificate of occupancy to begin using the building productively.

I left a voice message for you at your office earlier today. Please let me know if I and/or the owners need to be at the meeting to address the committee, or if the attached memo will suffice.

Thanks.

Todd

**Cyber-crime and wire fraud are real.** If ever contacted by us to wire transfer payment, please telephone our main office (585-345-4067) for confirmation before sending.

This e-mail message is from an architecture firm and may contain information that is confidential, proprietary, or privileged. If you are not the authorized recipient or have received this electronic mail transmission in error, do not read it and delete it from your system without printing or copying the content or any attachments. Please notify the sender by reply e-mail so that we can correct our address record.

**Todd Audsley**

Project Manager

smartDESIGN Architecture, PLLC

a: 56 Harvester Ave, Batavia, NY

o: 585-797-3794

p: 585.345.4067 x115 | f: 585.345.4068

w: [smartDESIGNArchitecture.com](http://smartDESIGNArchitecture.com)

Project Name: 99 Main Street – Batavia, New York  
Project Number: 17-038C  
Description: Façade Renovation

To: Planning and Development Committee  
Attn: Doug Randall, Code Enforcement - Officer - Bureau of Inspection  
One Batavia City Centre  
Batavia, New York 14020  
Phone: 585-345-6300  
Email: DRandall@batvianewyork.com  
From: Todd Audsley – smartDESIGN Architecture, pllc  
Date: January 25, 2023

☐ Please Reply      ☐ For your use      ☐ As per request / our      ☐ For review / comments  
☐ For your approval      ☐ Other      conversation

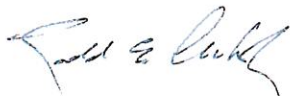
Mr. Randall:

Thank you for your recent notification that the Planning and Development Committee has concerns about the façade at the storefront level. The building owners acknowledge that the current installation does not closely match the previously approved renderings. The veneer stone originally specified is not currently in production.

As is the case throughout the construction industry, this project is experiencing significant delays due to supply chain issues, labor shortages, and inclement weather. Despite these challenges, the owners are committed to completing the project, and construction and fit-out of the building interior is ongoing, as you know.

The goal of the owners and the contractor is to finish the first floor dental office and the third floor apartments in order to gain a certificate of occupancy and open the building for its intended use. On a parallel path, the project team will coordinate with you to bring the façade into compliance with the committee's requirements.

Thank you.



smartDESIGN Architecture, pllc









1

FRONT ELEVATION - PROPOSED 11-19-21

1/4" = 1'-0"

## BUFFALO IMPLANTS AND PERIODONTICS BATAVIA



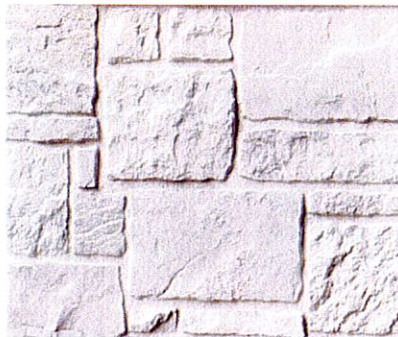
PRODUCTS

WHERE TO BUY

BLOG

CONTACT

## VOLTERRA



Casa di Sassi's Volterra has a historically classic appearance and consists of stones hewed in rectangular shapes with unique bed face textures and ruggedness. This stone's heights enable ease of installation and coursing. Stones are figured for a 1/2" grout joint.

### PROFILE COLOR



### PROFILE TYPE

Flat



### QUANTITY

1

### [Quantity Calculator](#)

### SHORT DESCRIPTION

Unique textures and rectangular shapes bring a classic look.

ADD TO CART

NEW ITEM | WEIGHT: 100 lb | COVERS: 10.5 sq ft



















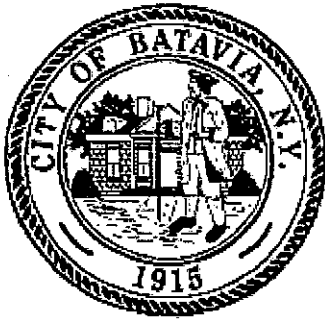












*City of Batavia*  
*Department of Public Works*  
*Bureau of Inspections*

One Batavia City Center, Batavia, New York 14020

(585)-345-6345

(585)-345-1385 (fax)

To: Planning and Development Committee  
From: Doug Randall, Code Enforcement Officer  
Date: 5/30/23  
Re: 216-218 State St.  
Tax Parcel No. 84.025-1-50

Zoning Use District: R-1A

The applicant, Ryan Macdonald (purchaser), has applied for a rooming house permit to operate an existing rooming house structure. 216-218 State St. contains 10 rooming house units and 1 self-contained apartment.

The applicant is purchasing this property from the present rooming house operator, Terrence Platt.

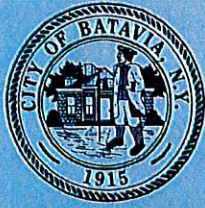
**Note:** This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (24).

**Review and Approval Procedures:**

**City Planning and Development Committee-** Pursuant to section 143-4 A of the zoning ordinance, the Planning and Development Committee shall, prior to issuance, approve rooming house permit applications in compliance with Chapter 143.

**143-5 A (3)** In the event a rooming house is sold or the ownership is in anyway changed, the existing permit shall be terminated and a new application shall be made.





City of Batavia  
Bureau of Inspections

One Batavia City Centre  
Batavia, NY 14020

585-345-6345

Application number \_\_\_\_\_

APPLICATION FOR ROOMING HOUSE PERMIT TRANSFER

Applicant 216-218 State Street LLC  
Name (print) PO Box 475 E-mail address Batavia 14021 585-343-1225  
Mailing Address Batavia City 14021 Zip Code 585-343-1225 Phone No.

Location of rooming house 216-218 State St Batavia, NY 14020

Present owner/operator EZ Buy Properties / Terry Platt

Zoning use district R-1A Number of Rooms ~~13~~<sup>10</sup> Number of Roomers ~~13~~<sup>10</sup>

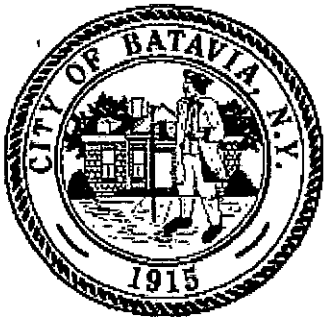
Applicant signature [Signature] Date 5/3/2023

Issuing officer \_\_\_\_\_ Date \_\_\_\_\_

PDC Chair Approval \_\_\_\_\_ Date \_\_\_\_\_

Comments  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





*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

From: Doug Randall, Code Enforcement Officer

Date: 5/30/23

Re: 301-305 West Main, 307 West Main, 4 South Lyon, and a portion of 6 South Lyon.  
Tax Parcel No. Multiple

Zoning Use District: C-2

The applicant Peter Sorgi, Esq., has submitted renderings of a proposed project that will result in the merging of several parcels, a minor subdivision, demolition of existing buildings, and construction of a Burger King restaurant with drive-through service. The purpose of this "sketch plan review" submittal is to provide the applicant with the opportunity to familiarize the PDC with the proposal and to obtain direction prior to final site plan submission.

**Review and Approval Procedures:**

**City Planning and Development Committee-** Pursuant to section 190-44 B(1) and 190-44 D(1) of the zoning ordinance, the Planning and Development Committee is authorized to conduct "sketch plan reviews".



May 25, 2023

City of Batavia Planning Board  
One Batavia City Center  
Batavia, New York 14020

Attention: Doug Randall, City of Batavia Code Enforcement Officer

**Re: Concept Plan Review – Proposed Burger King**  
**Applicant: Carrols Corp.**  
**Properties: 301-305 West Main Street;**  
**307 West Main Street;**  
**4 South Lyon Street; and**  
**Portion of 6 South Lyon Street**

Dear City of Batavia Planning Board:

Our firm represents Carrols Corp. regarding a proposed Burger King at the following, contiguous properties in the City of Batavia ("Project Site"):

1. 301-305 West Main Street;
2. 307 West Main Street;
3. 4 South Lyon Street; and
4. Northern Portion of 6 South Lyon Street.

If approved, this Burger King will replace and relocate the existing Burger King located at 230 West Main Street in the City of Batavia.

We hereby request this our Project be placed on the June 2023 Planning Board Agenda for Concept Plan Review to obtain your input prior to our formal application.

The Project Site is zoned C-2 – General Commercial and the proposed use of a restaurant is an expressly permitted use however the drive-in (e.g., drive-thru) component requires a special use permit.

Enclosed please find Elevations including a sheet showing the Exterior Finishes, as well as a Conceptual Site Plan, prepared by Lauer-Manguso & Associates Architects and Engineers.

**HOPKINS SORGI & MCCARTHY PLLC**

Attorneys at Law

726 Main Street, Suite B • East Aurora, New York 14052

Office: 716-805-7191 Ext 2 • Mobile: 716-908-3289 • E-Mail: [psorgi@hsmlegal.com](mailto:psorgi@hsmlegal.com)  
[hsmlegal.com](http://hsmlegal.com)

*Letter to City of Batavia Planning Board  
Concept Plan Review – Proposed Burger King  
May 25, 2023*

Thank you for your consideration of our Project. We look forward to reviewing with you at your June 2023 Meeting. If have any questions or require any further information, please do not hesitate to contact me at [psorgi@hsmlegal.com](mailto:psorgi@hsmlegal.com) or 7160.805.7191.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

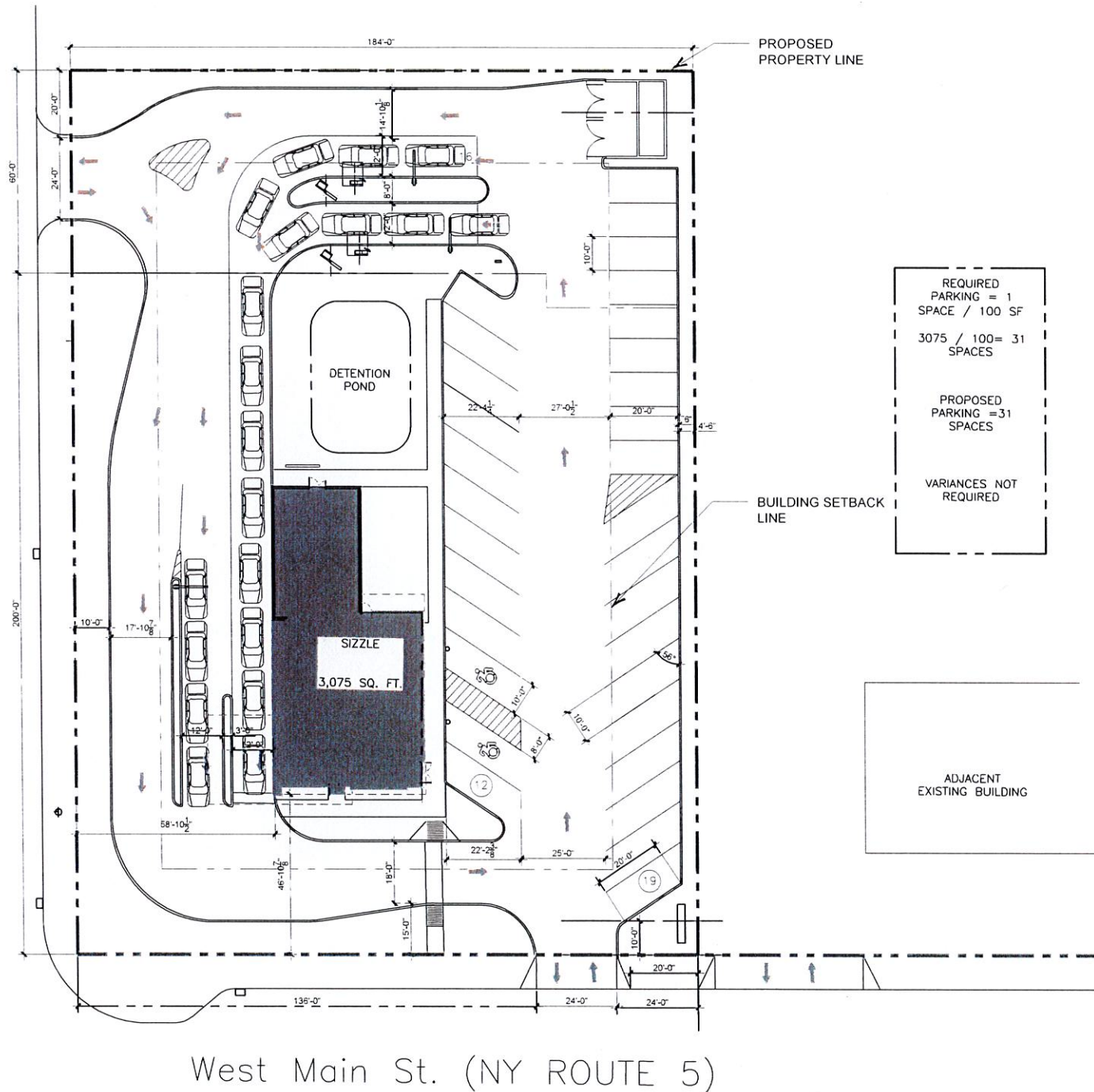


Peter J. Sorgi, Esq.

Enc.

cc: John FitzGerald, Carrols Corp.  
Patrick J. Mahoney, AIA, NCARB, Lauer-Manguso & Associates Architects and Engineers

South Lyon St.



West Main St. (NY ROUTE 5)

PROPOSED SITE PLAN

SCALE 1" = 20'-0"

1

PRELIMINARY  
NOT FOR CONSTRUCTION

ISSUED FOR SKETCH PLAN REVIEW 5/25/23

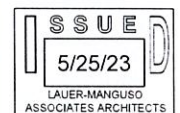
No. Description Date

△ - REVISIONS

**BURGER KING**  
301-307 W MAIN STREET  
BATAVIA, NEW YORK

CARROLS, LLC  
SYRACUSE, NEW YORK

**CONCEPT  
SITE PLAN**



**LAUER-MANGUSO  
& ASSOCIATES  
ARCHITECTS**  
4080 Ridge Lea Road  
Buffalo, N.Y. 14228  
(716) 837-0833

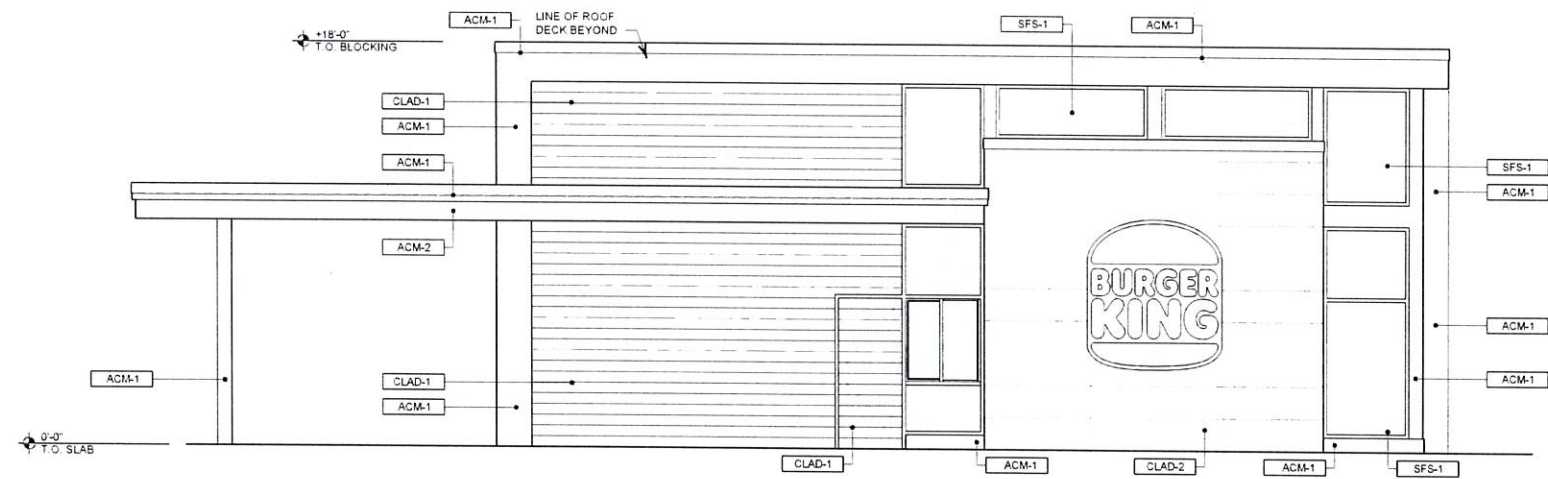
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Checked By PJM  
Job Number 20008

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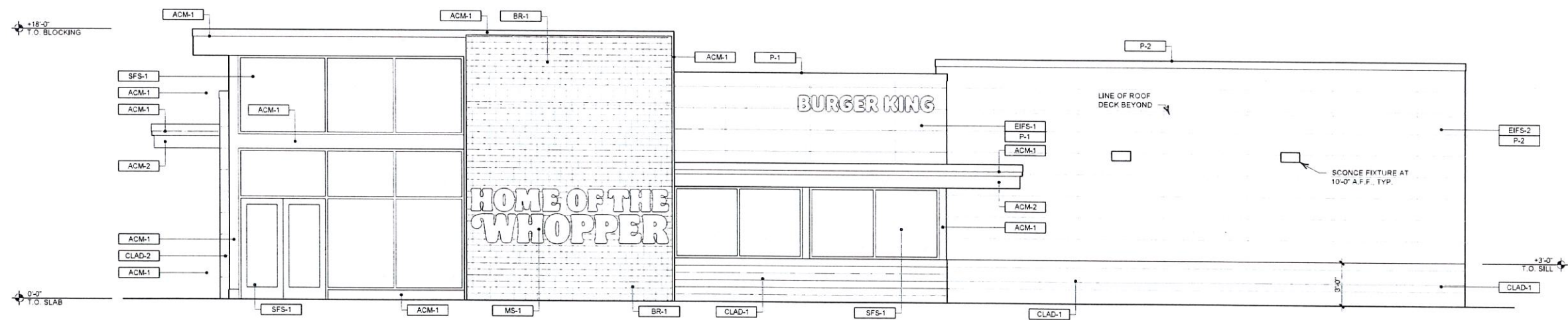








ELEVATION 1  
SCALE: 1/4"=1'-0"



ELEVATION 2  
SCALE: 1/4"=1'-0"

PRELIMINARY  
NOT FOR CONSTRUCTION

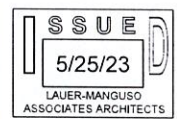
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-	ISSUED FOR SKETCH PLAN REVIEW	5/25/23

△ - REVISIONS

**BURGER KING**  
301-307 W MAIN STREET  
BATAVIA, NEW YORK

CARROLS, LLC  
SYRACUSE, NEW YORK

ELEVATIONS

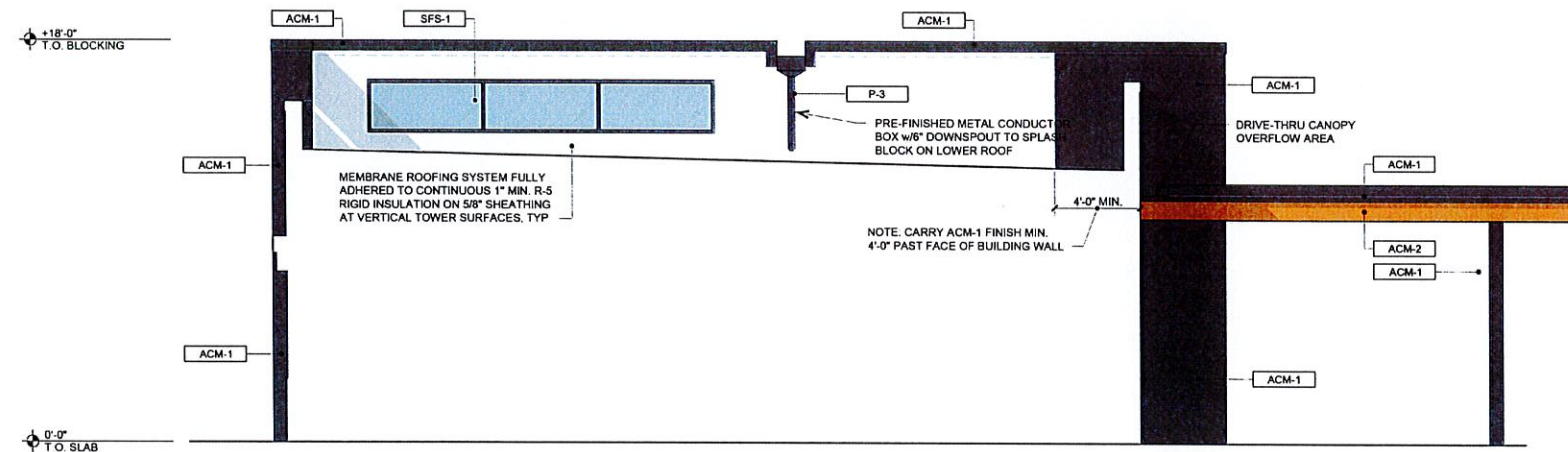


**LAUER-MANGUSO & ASSOCIATES ARCHITECTS**  
4080 Ridge Lea Road  
Buffalo, N.Y. 14228  
(716) 837-0833

Date  
Drawn By  
Checked By  
Job Number

Drawing No.  
**A-2.0**

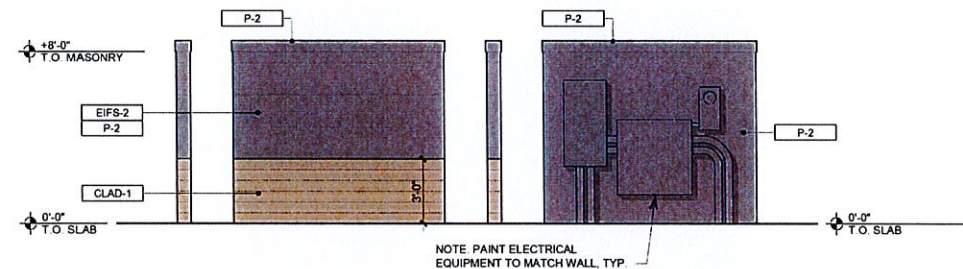




ELEVATION

SCALE: 1/4"=1'-0"

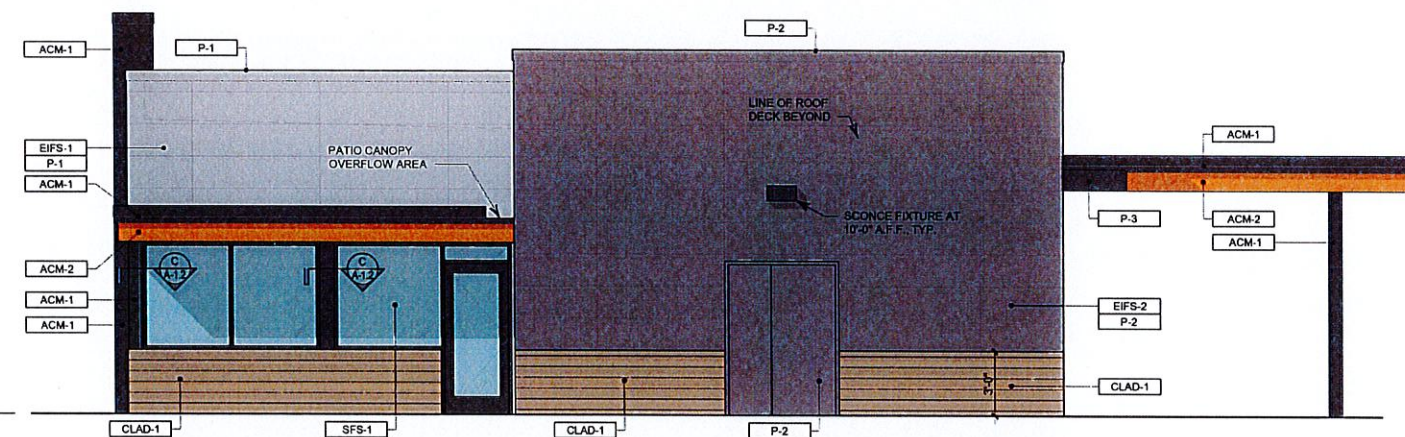
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SCREEN WALL ELEVATIONS

SCALE: 1/4"=1'-0"

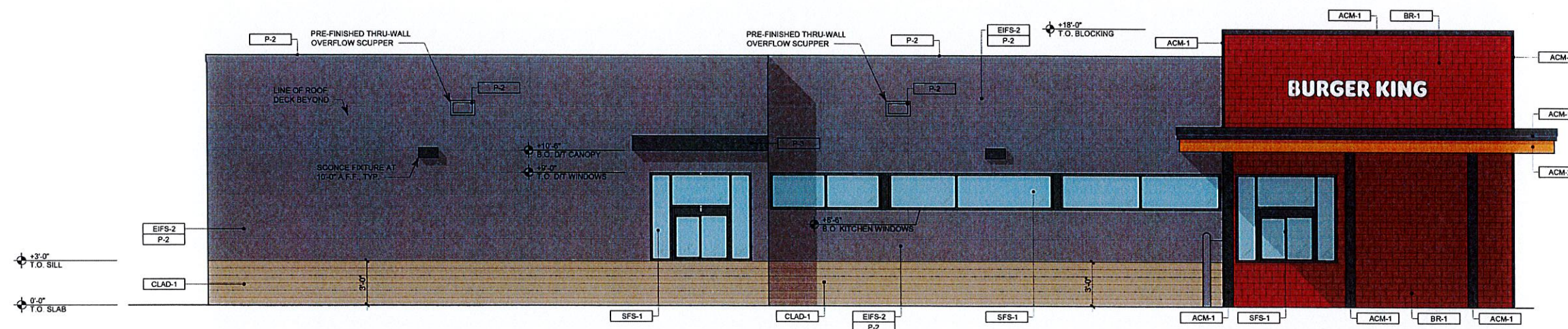
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ELEVATION

SCALE: 1/4"=1'-0"

3



ELEVATION

SCALE: 1/4"=1'-0"

4

NOTE: DUE TO VARIATIONS IN MONITOR AND PLOT SETTING, ACTUAL COLORS MAY VARY FROM THOSE SHOWN ON RENDERED ELEVATIONS. FINAL MATERIAL SELECTIONS SHOULD BE VERIFIED WITH PHYSICAL SAMPLES

PRELIMINARY

ISSUED FOR SKETCH PLAN REVIEW 5/25/23

REVISIONS

BURGER KING  
301-307 W MAIN STREET  
BATAVIA, NEW YORK

CARROLS, LLC  
SYRACUSE, NEW YORK

ELEVATIONS

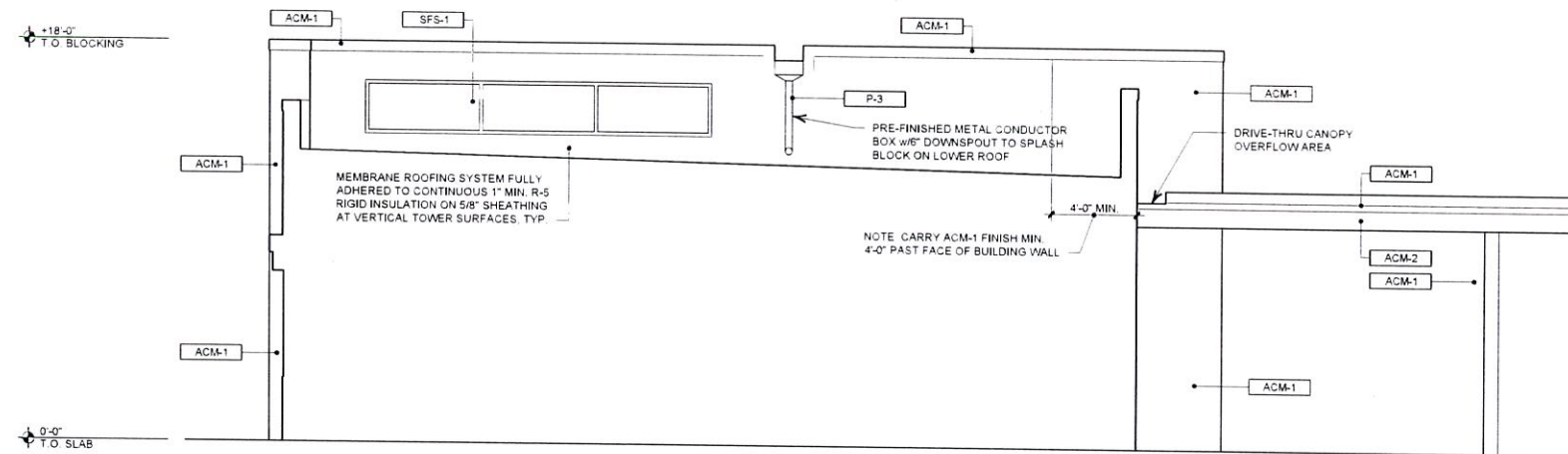
ISSUED  
5/25/23  
LAUER-MANGUSO  
ASSOCIATES ARCHITECTS



LAUER-MANGUSO & ASSOCIATES ARCHITECTS  
4080 Ridge Lea Road  
Buffalo, N.Y. 14228  
(716) 837-0833

Date: Drawing No:  
A-2.1

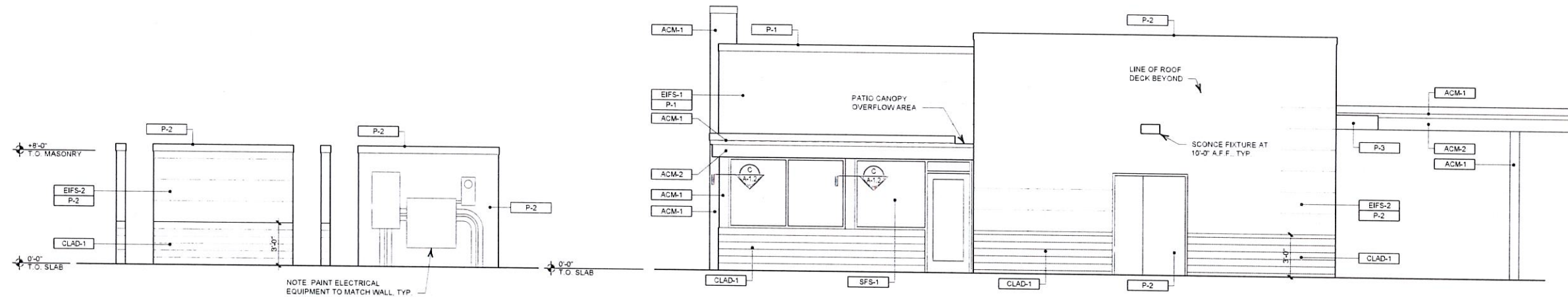




ELEVATION

SCALE: 1/4"=1'-0"

5



ELEVATION

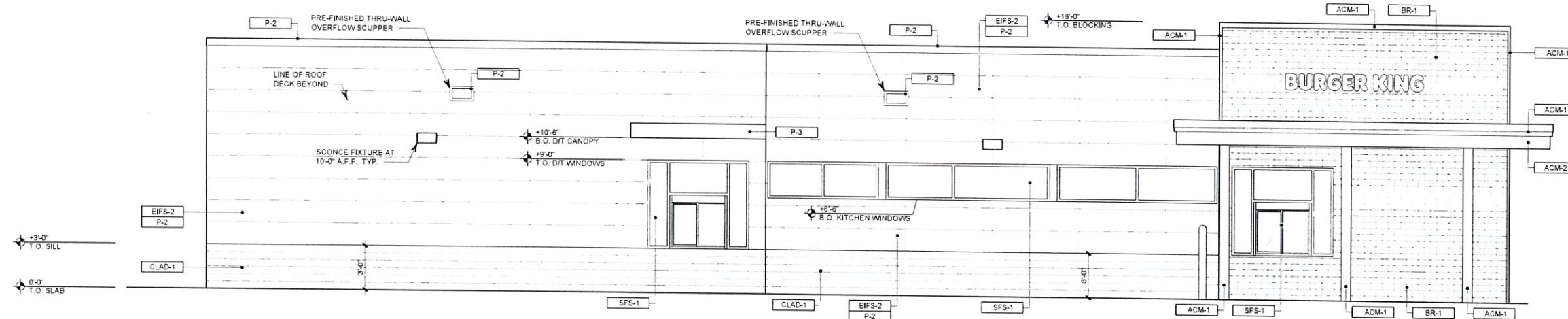
SCALE: 1/4"=1'-0"

3

SCREEN WALL ELEVATIONS

SCALE: 1/4"=1'-0"

6



ELEVATION

SCALE: 1/4"=1'-0"

4

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BURGER KING

301-307 W MAIN STREET  
BATAVIA, NEW YORK

CARROLLS, LLC  
SYRACUSE, NEW YORK

ELEVATIONS















ISSUED  
5/25/23  
LAUER-MANGUSO  
ASSOCIATES ARCHITECTS



LAUER-MANGUSO  
& ASSOCIATES  
ARCHITECTS  
4080 Ridge Lea Road  
Buffalo, N.Y. 14228  
(716) 837-0833

Date  
Drawn By  
Checked By  
Job Number

Drawing No.  
A-2.1

BURGER KING PROTOTYPE MATERIALS & FINISH SCHEDULE									
TAG		MATERIAL	LOCATION	MATERIAL DESCRIPTION	PROSPECT MANUFACTURER	PRODUCT	FINISH/COLOR	DIMENSION	MANUFACTURER REPRESENTATIVE CONTACT INFORMATION
ACH-1		ALUMINUM COMPOSITE METAL	CANOPIES	BLACK MATTE FRAME	LOCAL SUPPLIER	ACH	TO MATCH P-3	REFERENCE DESIGN DOCUMENTS 4MM THICKNESS	
ACH-2		ALUMINUM COMPOSITE METAL	BOTTOM CANOPIES	ORANGE UNDER CANOPY	ALLEN INDUSTRIES	ACH	SHERWIN WILLIAMS LIGHT BROWN 6348	REFERENCE DESIGN DOCUMENTS 4MM THICKNESS	
BR-1		BRICK	MAIN ENTRANCE	WHOPPER BRICK WALL	NICHIHA	TBD	TBD	TBD	
MS-1		METAL	MAIN ENTRANCE	WHOPPER SCREEN WALL	ALLEN INDUSTRIES	COSTUME LIGHTBOX SCREEN	SHERWIN WILLIAMS LIGHT BROWN 6348 BACKGROUND: SHERWIN WILLIAMS BROWN 6342	TBD	
CLAD-1		CLADDING (WOOD)	MAIN ELEVATION, WAINSCOT & CEILING	FIBER CEMENT TEXTURED PANELS	NICHIHA	NEW VINTAGE WOOD	TBD	18" x 10'-0"	
TR-1		NICHIHA OPEN OUTSIDE CORNER	NICHIHA OPEN OUTSIDE CORNER	METAL TRIM	NICHIHA	METAL TRIM	BLACK MATTE	2.96" x 10'-0"	
CLAD-2		CLADDING (CONCRETE)	MAIN FAÇADE	FIBER CEMENT TEXTURED PANELS	NICHIHA	INDUSTRIAL BLOCK	GRAY	18" x 10'-0"	
EIFS-1		NICHIHA FIBER CEMENT	DINING EXTERIOR	NICHIHA FIBER CEMENT	NICHIHA	NICHIHA TUFFBLOCK	TO MATCH P-1	18" x 10'-0"	
EIFS-2		NICHIHA FIBER CEMENT	BOH	NICHIHA FIBER CEMENT	NICHIHA	NICHIHA TUFFBLOCK	TO MATCH P-2	18" x 10'-0"	
ST-1		STUCCO	DINING EXTERIOR & BOH	EXTERIOR SMOOTH STUCCO FINISH	STO OR APPROVED EQUAL	TEXTURE: FINE SAND	WHITE OR GRAY. MATCH PAINT COLOR DEPENDING ON LOCATION	N/A	
P-1		PAINT	DINING EXTERIOR	EXTERIOR PAINT	BENJAMIN MOORE	TO MATCH EIFS-1	BM 2111-50 STONE HARBOR	N/A	
P-2		PAINT	BOH	EXTERIOR PAINT	BENJAMIN MOORE	TO MATCH EIFS-2	BM 2111-40 TAOS TAUPE	N/A	
P-3		PAINT	METAL COLUMNS	EXTERIOR PAINT	BENJAMIN MOORE	TO MATCH ACH-1	2133-10 ONYX SEMI-GLOSS	N/A	
SFS-1		STOREFRONT SYSTEM	ALUMINUM STOREFRONT SYSTEM	HOME OF THE WHOPPER RELIEF IN BRICK	LOCAL SUPPLIER	ALUMINUM STOREFRONT SYSTEM	BLACK MATTE	VARIES	

PRELIMINARY  
NOT FOR CONSTRUCTION

-	ISSUED FOR SKETCH PLAN REVIEW	5/25/23
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**BURGER KING**  
301-307 W MAIN STREET  
BATAVIA, NEW YORK

CARROLS, LLC  
SYRACUSE, NEW YORK

**EXTERIOR  
FINISH SCHEDULE**



**LAUER-MANGUSO  
& ASSOCIATES  
ARCHITECTS**  
4080 Ridge Lea Road  
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Date  
Drawn By  
Checked By  
Job Number

Drawing No.  
**A-2.2**