

PLANNING & DEVELOPMENT COMMITTEE

MINUTES

March 15, 2016

6:00 pm

Council Board Room
One Batavia City Centre, Batavia NY

Members present: *Edward Flynn, Robert Knipe, Duane Preston, Marc Staley (Alt.), Rachael Tabelski*

Others present: Meg Chilano – Recording Secretary, Jason Molino – City Manager,
Doug Randall – Code Enforcement Officer

I. Roll Call

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

II. Call to order

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

III. Previous Meeting Minutes

Mr. Staley moved to approve the minutes; the motion was seconded by Mr. Knipe, and on roll call, was approved 4-0-1.

Votes in favor: 4 (Edward Flynn, Robert Knipe, Marc Staley, Duane Preston)

Votes opposed: 0

Votes abstained: 1 (Rachael Tabelski)

RESULT: Approval of January 19, 2016 meeting minutes.

IV. Proposals

- A. Special Sign Permit: placement of a 17.64' x 8.45' window sign across four window panels on the north elevation of this commercial building located within the BID

Address: *85-89 Main Street*

Applicant: Adam Lowder (contractor, Vinyl Sticks)

Actions: Applicant was not in attendance. Application remained on the table.

- B. Sign Permit: placement of a 13' x 3' unlit wall sign on the north elevation of this commercial building located within the BID

Address: *216 East Main Street (aka 214 East Main Street)*

Applicant: Jason Quilliam (business owner)

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

1. Review Application

Mr. Preston read the summary of the proposal. He noted that the Genesee County Planning Board recommended approval.

2. Discussion and Action by the Board

Mr. Knipe asked if the new sign is the same size as the previous sign. Mr. Pulliam stated that it is. Mr. Knipe observed that the sign contains a punctuation error and suggested that Mr. Pulliam correct it.

MOTION: Mr. Flynn moved to approve the application; the motion was seconded by Ms. Tabelski, and on roll call, was approved 5-0.

RESULT: Sign Permit approved.

C. Use Variation: creation of twelve 1- and/or 2-bedroom dwelling units on the first floor of this existing commercial building located within the Central Commercial District

Address: *41-43 Liberty Street Rear and 45 Liberty Street Rear (aka 45 Liberty)*

Applicant: Victor Gautieri (agent for Ellicott Square Plaza, LLC)

- Actions:
1. Overview of project
 2. Discussion
 3. Recommendation to the ZBA

1. Overview of Project

Mr. Preston read the summary of the proposal. He reported that the Genesee County Planning Board recommended disapproval.

Mr. Gautieri said that it has been difficult to lease the property because it sits too far back from the street making it hard to locate, and the location is unappealing. He noted that residential units are permitted on the second floor in this commercial district and said that he believes there is basically no difference between building on the first floor and building on the second as far as affecting the character of the neighborhood. According to Mr. Gautieri, the expense of building on the second floor would be prohibitive. He said that creating apartments in this location would make the property more economically viable and increase the value, thereby increasing property taxes.

2. Discussion

Mr. Preston stated that he is opposed to the project because first floor apartments are not allowed in a C-3 District and he does not wish to set a precedent. He noted that Batavia City Centre is located in a C-3 District and he would not want to see someone conceivably buy a parcel here and be living in the Mall.

Mr. Staley said he believes there is a difference between the Mall, which is located on Main Street, and the property located on Liberty Street. He noted that the property on Liberty Street is difficult to find and that perhaps in the future some accommodation could be made for commercial properties set back from the street.

Mr. Flynn and Ms. Tabelski agreed with Mr. Preston regarding not setting a precedent in a commercial zone.

Mr. Knipe pointed out that the property is not attractive and asked about windows in the proposed apartments. Mr. Gautieri responded that the apartments would be constructed on the perimeter of the building with the core designated as storage.

Mr. Knipe asked about the intended demographic and Mr. Gautieri answered that the apartments would not be subsidized, but rather would be market rate.

Ms. Tabelski explained that it is the task of the PDC to make a recommendation to the ZBA, and that based on City law, which does not allow for residential use in a commercial zone, she cannot support the project.

Mr. Staley asked if it is possible to put a second floor along the building. Mr. Gautieri responded that it was designed for a second floor, however, it would involve framing, installing an elevator, and constructing stair towers which would drive the cost beyond what the rent could sustain.

Mr. Flynn asked about warehousing and Mr. Gautieri replied that it is all office space at the moment. He pointed out that it was originally constructed as the Social Security Office.

3. Recommendation to the ZBA

MOTION: Ms. Tabelski moved to recommend disapproval of the project to the ZBA; the motion was seconded by Mr. Knipe, and on roll call, was approved 5-0.

RESULT: Recommendation to the ZBA to disapprove the Use Variance.

V. Other/New Business/Updates: Discussion of digital signs

City Manager, Jason Molino, reported that City Council has requested the PDC, as the body responsible for land use, to conduct a review of the Code pertaining to digital signs and make a recommendation to Council regarding possible changes to the Code. Mr. Molino asked the board to decide whether or not it would allow digital signs and to consider what a sign code that allowed digital signs would look like. He pointed out that allowing digital signs is not simply a matter of adding something to the existing Code, but that it would require drafting a subsection of the Code.

Mr. Molino told the board that if they wished to change the Code to allow digital signs, they should begin with a definition of what constitutes a digital sign. Mr. Molino said that the process would begin with the PDC articulating what it would like to see in the digital sign code. Then Mr. Molino, Doug Randall, Code Enforcement Officer, and the City Attorney would formulate the board's specifications into a document, which would also benefit at some point by input from the Genesee County Planning Board. The process would include a public hearing and several revisions before the recommendation to City Council.

Mr. Molino had provided the PDC with several samples of sign code and suggested that the board members begin selecting points from the material which they consider important prior to the next meeting. Mr. Molino said that he will search for more examples for the board to

consider, and he and Mr. Randall will extract commonalities from the samples for the board to peruse. He will also attempt to obtain the American Planning Association's new book, *Street Graphics and the Law*, and distribute the chapter on digital signs to the board.

VI. Setting of Next Meeting: April 19, 2016

VII. Adjournment

Ms. Tabelski moved to adjourn at the meeting at 6:43 pm. Mr. Knipe seconded. All voted in favor.

A handwritten signature in cursive script, appearing to read "Meg Chilano", written over a horizontal line.

Meg Chilano
Bureau of Inspection Clerk