

CITY OF BATAVIA PLANNING & DEVELOPMENT COMMITTEE
MINUTES

July 15, 2014, 6:00 p.m.

Council Board Room
One Batavia City Centre, Batavia NY

Members present: *Edward Jones, Duane Preston, Jeffrey Scott, Paul Viele*

I. Roll Call

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

II. Call to order

Mr. Jones called the meeting to order at 5:59 p.m.

III. Approval of minutes

Duane Preston made a motion to approve the June 17, 2014 minutes. *Paul Viele* seconded. The motion carried 4-0.

IV. Proposals

A. Special Sign Permit: one unlit 7' 6" x 3' 6" free standing ground sign

Address: *39 Washington Avenue*

Applicant: Kevin Maier (agent for Reed Eye Associates)

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

1. Review Application

Mr. Jones read the summary for 39 Washington Avenue. The property is zoned R-1A and free standing signs are not permitted. Kevin Maier was present to explain the project. He brought a sample of the brick material which will form the parts of the sign, as well as, an architect's rendering of the sign. Mr. Maier explained that the letters forming "Reed Eye Associates" will be made from plastic die cut letters.

Mr. Maier said that they would like to make a change in the sign from the initial proposal to include exterior lights placed around the sign. He explained that the lights would be placed on the ground so that the light would wash upward over the sign. He said that the lights would be situated with a timer set to turn off 45 minutes after the office's closing time, which is 5:00 p.m. He said that the concern is that patients coming in during the winter months might not be able to see an unlit sign, considering that it gets dark at 4:30 p.m. He indicated

that during the summer months the lights would not be lit at all. Mr. Maier also brought photos of the sign from Reed's other office for comparison.

Mr. Jones asked if placement of the sign would meet the setback requirement. Mr. Maier replied that the sign would be situated to accommodate a tree that they want to save and still provided sufficient space to meet the setback requirement. Mr. Jones stated that he was concerned about the other tenants of the building. He wanted to know what the others will do for signage if the current sign only advertises Reed Associates. Mr. Maier responded that signs for other tenants will be located in the entry of the building as part of a directory. Mr. Jones asked if Mr. Maier anticipated having to put additional signage on the building in the future. Mr. Maier said that Reed Associates prefers a clean look to their buildings and indicated that it could be seen from the photo of their other office that there are no signs on the building. Duane Preston commented that the sign looks sharp and appears to mimic the neighboring Lutheran Church. He pointed out that the sign fits into the neighborhood.

2. Public Hearing

Mr. Jones opened the public hearing at 6:08 p.m. There was no one present to speak about the proposal and Code Enforcement Officer Doug Randall stated that there were no calls or correspondence from the public.

Mr. Jones made a motion to close the public hearing at 6:10 p.m. Jeff Scott seconded. All voted in favor.

3. Discussion and Action by the Board

Mr. Jones asked about lighting. It is a residential area so there was concern about the possibility of bright lights. Mr. Maier said that the light would only shine on the sign, and in the winter the light would be set on a timer to go off at 5:45 p.m. The board agreed that base lighting on a timer would be acceptable.

Motion by: *Edward Jones*

"I make a motion to approve the Special sign Permit for 39 Washington Avenue for a 7' 6" x 3' 6" free standing ground sign to be lit with ground lighting on a timer with hours proposed by the applicant, basically from 8 a.m. – 6 p.m., with no other conditions."

Seconded by: *Paul Viele*

Vote in favor: 4 (Edward Jones, Duane Preston, Jeff Scott, Paul Viele)

Vote opposed: 0

Votes abstained: 0

Result: Approval of Special Sign Permit.

B. Widen an existing 13.5' side stone driveway

Address: *33 Lyon Street*

Applicant: Lorraine Dombrowski (owner)

- Actions:
1. Review application
 2. Public hearing
 3. Recommendation to ZBA for area variance

1. Review of Application

Stanley Dombrowski introduced himself as representative for his mother, Lorraine Dombrowski, owner/applicant of 33 Lyon Street. Mr. Jones summarized the proposal to widen the existing stone driveway by placing an 11' addition on the south side. The parking area would be located in the front yard. The proposed width would put the driveway at 45% of the frontage, exceeding the allotted amount of 25%. Mr. Jones explained to Mr. Dombrowski that the Planning & Development Committee would be acting as the screening agent for the Zoning Board of Appeals (ZBA), and said that it was their role to make recommendations to the ZBA. Mr. Jones asked Mr. Dombrowski to explain the proposal.

Mr. Dombrowski said they need a wider driveway to alleviate parking problems. He said that they have five vehicles and a 20' enclosed car trailer for racing cars. He said that the church down the street lets their parking lot grow over with grass so everyone from the church parks on the street. He also said that tenants from the apartment building down the street park on the street as well. He stated that when his family has visitors there is no place for them to park, and that when family members come and go they have to shift cars around and it is inconvenient. Mr. Dombrowski told the board that his family has used the proposed space for parking previously and it has worked out well.

Mr. Jones stated that the ZBA would have a problem with the driveway not being paved because gravel turns to mush in the winter time. He said that another thing the board would look at is accommodations and the possibility of Mr. Dombrowski using the existing space in the back for parking. Mr. Jones wanted to know if the space in the back could be used for parking. Mr. Dombrowski said they already have the car trailer in the back. Mr. Jones said that an alternative might be just widening the driveway a little bit, up to the porch. He pointed out that in the past the board has allowed residents to widen a driveway approximately the width of a sidewalk, just wide enough to park two cars side-by-side.

Mr. Viele asked if Mr. Dombrowski planned to do the work himself. Mr. Viele said that Mr. Dombrowski could remove the topsoil and roll the stone to make it more compact. Mr. Dombrowski asked if it would be more acceptable to only add the width of a vehicle and not the 11' he had requested. Mr. Jones responded that the board would look more favorable at that idea. He said that Mr. Dombrowski should try to minimize the impact. Mr. Preston pointed out that if 3' were added to the drive it would bring it to a total of 17', which would be wide enough to fit two cars. Mr. Jones observed that in the past requests have been for

paved situations rather than gravel. Mr. Dombrowski responded that they had planned on making the driveway concrete in the next year or two.

2. Public Hearing

Mr. Jones opened the public hearing at 6:22 p.m. and read the letter from adjacent neighbor Linda Keil, 31 Lyons Street, into the minutes. Mrs. Keil expressed concerns about possible obstructions to viewing depending on the size of the vehicles parked in the Dombrowski's yard, and the esthetics of having a stone driveway as part of the front yard. There was no one available to speak, and no other letters, calls, or emails. Mr. Jones moved to close the public hearing at 6:25 p.m. Mr. Viele seconded. All voted in favor.

3. Review and Action by the Board

Mr. Jones indicated that the board could consider limiting parking to passenger vehicles in an effort to alleviate some of the concerns. Mr. Viele suggested reducing the width to 7'. The other board members agreed. Mr. Jones asked about paving. Mr. Dombrowski wanted to know about the time frame. He said he has been doing repairs to the house and is not prepared financially to make the driveway concrete at this time. Mr. Randall explained that the permit would be good for one year so the driveway should be completed within that 12 month span. Mr. Viele asked if Mr. Dombrowski could get an extension onto that time and Mr. Randall answered that he could get three additional months.

Motion by: *Edward Jones*

"I make a motion that we recommend approval. I recommend that the City of Batavia Planning & Development Committee recommend to the Zoning Board of Appeals to grant a variance to widen the driveway at 33 North Lyons with the following recommendations: restriction to passenger vehicles with no boats, trailers, campers or commercial vehicles; width reduced to 7'; within 12 months plus a three month extension it will be paved."

Seconded by: *Paul Viele*

Vote in favor: 4 (*Edward Jones, Duane Preston, Jeff Scott, Paul Viele*)

Vote opposed: 0

Votes abstained: 0

Result: Recommendation to ZBA for approval of Area Variance

V. Next meeting August 26, 2014

VI. Mr. Jones closed the meeting at 6:34.

Respectfully submitted,

Meg Chilano