

# PLANNING & DEVELOPMENT COMMITTEE

## *MINUTES*

**June 20, 2017**

**6:00 pm**

Council Board Room  
One Batavia City Centre, Batavia NY

Members present: *Edward Flynn, Matt Gray, Tammy Hathaway (Alt.), Robert Knipe, Duane Preston, Marc Staley*

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

### **I. Roll Call**

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

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

Mr. Preston called the meeting to order at 6:03 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 16, 2017 meeting minutes.**

### **IV. Proposals**

- A. Recommendation to the ZBA for a Use Variance: change the use of this property from the legal use of “commercial radio sales and service” to a repair shop that services household consumer goods, furniture, appliances, small machinery/tools for the general public, a business office for a residential home inspection business; and a dog training facility with dog day care on week days.

Address: 8-10 Wade Ave.

Applicant: James L. Jacobs (purchaser)

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

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

Mr. Preston read the summary of the proposal.

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

Mr. Jacobs clarified that no business will take place on the weekends, and that the facility will only involve training dogs; there will be no boarding. The dog training business that will be occupying the building is currently located in the Harvester building.

Mr. Jacobs told the PDC that he had obtained a signed petition from the neighbors in support of the project (included in the board materials).

Mr. Jacobs noted that the neighbors had asked what would prevent the trainer from boarding dogs in the facility, and he said that it would be specified in the lease agreement that boarding would not be permitted.

Mr. Flynn asked if there would be any kennels on the exterior and Mr. Jacobs said no.

Mr. Preston asked about the hours of operation and Mr. Jacobs answered that the facility is open from 7:30 am to 5:30 pm, and that the trainer sometimes makes home visits.

Mr. Flynn asked Mr. Randall if the applicant would have to appear before the PDC in the future if he wished to do something further to the outside of the building. Mr. Randall responded that if the board approved the proposed use of the facility it would not be necessary for the applicant to return.

Ms. Hathaway asked if there is a limit on the number of dogs allowed in the building and Mr. Jacobs replied that the trainer usually has 6-8 dogs in a class.

Mr. Preston asked if there would be grooming and Mr. Jacobs answered that only training would take place.

Mr. Flynn asked if the building would be air conditioned and Mr. Jacobs said yes.

Mr. Knipe asked if the reason for moving the dog training facility is to increase the size. According to Mr. Jacobs, the reason for the change is the need for greater convenience, such as water and a bathroom.

**MOTION:** Mr. Gray moved to recommend approval of the Use Variance to the ZBA with the condition that no kennels or runs are added to the exterior, and no boarding or overnight activity takes place; the motion was seconded by Mr. Flynn, and on roll call, was approved 5-0.

**RESULT: Recommendation to the ZBA for approval of the Use Variance with conditions**

**V. Other/New Business/Updates:** Sketch plan review of Ellicott Station  
Samuel Savarino, developer, Brennan Marks, engineer, and Mark Wendell, architect for the Ellicott Station project presented the proposal, following which, the board members asked questions.

Mr. Staley asked who owns the park and if there could be outdoor dining. Mr. Wendell responded that the park is on site and residents of the apartments can dine outside.

Mr. Preston wanted to know if the project will be constructed in phases and Mr. Wendell said that it would be built all at once.

Mr. Knipe asked if the brewery would be located in the old Della Penna building and Mr. Wendell said that it would.

Mr. Staley asked how many indoor parking spaces and if there is one for every unit. Mr. Savarino explained that the indoor spaces are a premium item allocated on a first come first served basis. Access to the indoor parking facility would be automated. Mr. Staley noted that it would prevent people who simply want to visit the brewery from using the parking spaces.

Mr. Knipe asked about retail tenants in the commercial building. Mr. Savarino replied that the commercial building was intended for business or office space rather than retail.

Mr. Preston wanted to know how many people will be employed on the project and Mr. Savarino said that according to the extrapolated data, approximately 80.

Mr. Knipe asked the distance of the setbacks and Mr. Wendell answered that both the commercial and residential building setback is approximately 25'.

Mr. Gray asked if there is a reason why the buildings could not be mixed use. Mr. Savarino explained that the financing determined the use. The leveraged loans with market tax credits dictated that the uses of the buildings be separate.

Mr. Knipe observed that the residents at the back of the apartment complex will be overlooking the parking lot and the building next door. Mr. Savarino responded that the renderings do not do justice to the landscaping that will take place. Every effort was made to provide a canopy of trees that will look beautiful and deaden the street noise.

Mr. Preston commented that the building is plain with a lot of windows and wanted to know if there is a way to change the appearance, perhaps with awnings. Mr. Savarino said that the tenants would probably want to use the space for signage.

The board indicated that for the next meeting they would like to see:

- A solution to the Grand Canal storm sewer system
- Façade material samples / pictures of other projects
- Details of treatments between the buildings and sidewalks
- Façade appearance adjustments according to BID guidelines.

#### **VI. Setting of Next Meeting: July 18, 2017**

#### **VII. Adjournment**

Mr. Preston moved to adjourn the meeting at 7:11 pm; the motion was seconded by Mr. Knipe. All voted in favor.



Meg Chilano  
Bureau of Inspection Secretary