

PLANNING & DEVELOPMENT COMMITTEE
SPECIAL MEETING
MINUTES

March 3, 2015 6:00 pm
Council Board Room
One Batavia City Centre, Batavia NY

Members present: *Edward Flynn, Matthew Gray, Alfred McGinnis, Duane Preston,*

Members late: *Jeffrey Scott (arrived 6:03)*

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 Preston declared a quorum.

II. Call to order

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

III. Previous Meeting Minutes

Two corrections were made to the minutes. *Edward Flynn* made a motion to approve the corrected minutes; the motion was seconded by Mr. McGinnis, and all voted in favor.

Result: Approval of January 20, 2015 minutes.

IV. Proposals

- A. Operation of an existing eight room, eight occupant rooming house structure. The applicant is purchasing this property from the present rooming house operator, Mary Sorce (room number was corrected to seven)

Address: *14 Highland Park*

Applicant: *Ryan Macdonald (purchaser)*

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

1. Review of Application

Mr. Preston read the summary of the proposal. Ryan Macdonald informed the board that he is purchasing the property from Mary Sorce, who has operated it as a rooming house for a number of years. Mr. Preston asked if there would be an onsite manager. Mr. Macdonald

responded that he employs a manager for the 17 other properties he owns in the City, and the manager will handle this property as well. The manager resides at 111 Liberty Street, the other rooming house owned by Mr. Macdonald.

Mr. Preston asked about parking and Mr. Macdonald answered that there are 4 or 5 spaces, but many of the boarders do not have cars. Mr. McGinnis asked about how the trash is handled and Mr. Macdonald replied that they pick up the trash on Monday and Friday at all of their properties in the City. Mr. McGinnis asked about the type of fire suppression system used. Mr. Macdonald said that Genesee Orleans Fire Extinguishers goes through the properties once a year and checks the fire extinguishers and smoke detectors, but there are no sprinklers.

Mr. McGinnis asked if there is a laundry room and Mr. Macdonald answered that there is no laundry room, but there is a washer and dryer in the basement. Mr. McGinnis asked if there is a common area and if the common area is equipped with a microwave, stove, and refrigerator. Mr. Macdonald replied that there are common areas and in the kitchen there are appliances. He added that microwaves, hot plates, and refrigerators are not allowed in the other rooms. Mr. McGinnis asked if space in the basement is available to boarders for storage and Mr. Macdonald said no. Mr. McGinnis asked if there is an outdoor sitting area and Mr. Macdonald answered no. Mr. McGinnis inquired about a back yard and Mr. Macdonald informed him that there is a fenced-in back yard.

Mr. McGinnis wanted to know the average length of stay for boarders. Mr. Macdonald reported that some boarders have only stayed two months and others have been there since he purchased it. Mr. Preston asked if Mr. Macdonald has an inspection policy. Mr. Macdonald said that everything is checked when a boarder moves out, and the room is painted at that time as well. Otherwise, care of the rooming house is left to the manager. Mr. Flynn wanted to know if Mr. Macdonald's other properties were in compliance and Mr. Macdonald responded that he does whatever is required by the City. Mr. McGinnis asked if there is a phone where residents can call 911. Mr. Macdonald stated that everyone has a cell phone. The number of rooms was confirmed to be seven rather than eight.

2. Public Hearing

Mr. Preston opened the public hearing at 6:13 pm. There were no calls or correspondence and no one came to speak. Mr. Preston closed the public hearing at 6:14 pm.

3. Discussion and Action by the Board

There was no further discussion by the board.

Motion by: *Edward Flynn*

"I make a motion to approve."

The motion was seconded by Mr. McGinnis and approved 5-0.

Result: Approval of rooming house permit

B. Placement of a 3.85 sq.' neon window sign in the northeast window of this commercial building

Address: 224 Ellicott Street

Applicant: Ross Walker (business owner)

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

1. Review of Application

Mr. Preston read the summary of the proposal. Mr. Walker was present to speak about the project. He stated that the "RW Vapors" neon sign will be placed in the northeast window of the property replacing a sign that is already there, which will be moved to the middle window. Additionally, Mr. Walker said that the banners will be removed from the bottoms of the windows. He noted that the signs take up less than the allowable 25% window space. Mr. Preston reported that the Genesee County Planning Board recommended approval. Mr. Flynn asked if it is Mr. Walker's third sign and he replied that it is.

2. Public Hearing

Mr. Preston opened the public hearing at 6:16 pm. There were no calls or correspondence and no one present to speak about the project. Mr. Preston closed the public hearing at 6:17 pm.

3. Discussion and Action by the Board

There was no further discussion.

Motion by: *Edward Flynn*

"I make a motion to approve."

The motion was seconded by Mr. McGinnis, and on roll call, was approved 5-0.

Result: Application approved

C. Change the existing non-conforming use (medical business office and physical therapy practice) to a different non-conforming use (general office use)

Address: 119 Washington Avenue

Applicant: Gregg Torrey (owner)

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

1. Review of Application

Mr. Preston read the summary of the proposal for the special use permit. Mr. Torrey explained the reason for the proposal. He said that he has been operating under a permit for medical office/physical therapy use and he would like to change it to general office use to afford greater flexibility. Mr. Preston asked if the building has been occupied over the last year. According to Mr. Torrey it has seen very little use and he is trying to find a new tenant. Mr. Preston asked about Glow Securities. Mr. Torrey said that there is no retail business there, mostly just phone transactions and some installations. Mr. Flynn asked about storage. Mr. Torrey answered that some light objects, such as receivers, were stored there but no heavy equipment. Also, there is no outside storage. Mr. Flynn asked if a business has been in operation there since 1991 and Mr. Torrey responded that there has always been some kind of business located there, primarily a dentist's office. Mr. Preston noted that his main concern is parking, because when the dentist was in business the parking was light. Mr. Torrey said that the parking would continue to be light.

Mr. Gray asked if the permit would allow for another kind of business at a later time. Mr. Randall said that retail would be considered mercantile and this permit is for professional office use or some type of business transaction use. He pointed out that the reason Mr. Torrey wants the more general permit is so that he does not have to come back every time the office changes tenants.

2. Public Hearing

Mr. Preston opened the public hearing at 6:22 pm. There were no calls or correspondence and no one who wished to speak about the project. Mr. Flynn asked for clarification of the office use. Mr. Randall explained that the permit would allow for any kind of business or professional office, such as, an attorney, architect, dentist or doctor. According to Mr. Randall, in the past the use has been very specific, first as a medical office, and then a physical therapy office. He said that Mr. Torrey would like something more general so that he does not have to get a new permit for every tenant that moves in. Mr. Preston closed the public hearing at 6:24 pm.

3. Discussion and Action by the Board

Mr. Flynn said that the reasons for approving the permit, from his perspective, are that the business has been in operation since 1991, it is across from the commercial district downtown, there is no outside storage, and it is general office use that will not negatively impact the neighborhood. Mr. Torrey pointed out that the use of the building as an office dates back a lot farther than 1991, and Mr. Randall clarified that 1991 is the date of the last record he has on file, which indicates the building was used as a dental office.

Motion by: *Alfred McGinnis*

"I make a motion to approve the special use permit."

The motion was seconded by Mr. Flynn, and on roll call, was approved 5-0.

Result: Application for special use permit approved.

- D. Placement of a 31.5 sq.' unlit sign on the south elevation of this commercial building located within the R-3 residential use area

Address: *119 Washington Avenue*

Applicant: Gregg Torrey (owner)

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

1. Review of Application

Mr. Preston read the summary of the proposal. Mr. Torrey explained how he came up with the dimensions for the sign. He said that there were two sign stacked on top of each other which he measured, and then used the result as the size for a single sign. According to Mr. Torrey, if the size needed to be smaller that would be acceptable since it is going to be one sign instead of two. Mr. Preston noted that the size a little big for the building.

2. Public Hearing

Mr. Preston opened the public hearing at 6:28 pm. There was no correspondence or calls and no one came to speak about the project. Mr. Preston closed the public hearing at 6:29 pm.

3. Discussion and Action by the Board

Motion by: *Edward Flynn*

"I make a motion to approve the sign application with a maximum size of 24 sq."

Mr. Flynn noted that the two main reasons for approval are that the building is located across from the business district and the new sign is approximately the same size as the previous signs.

The motion was seconded by Mr. McGinnis, and on roll call, was approved 5-0.

Result: Sign Permit Application approved

- E. Construction of a 9,850 sq.' one story addition to the west side of an existing hospital building. A portion of the proposed construction will be located within the yard clear space area along the west property line at the Summit Street Extension. The addition space will be utilized for a specialized medical treatment center for non-sleeping, non-24 hour care patients

Address: *127 North Street*

Applicant: Joseph Hanss of Clark Patterson Lee (representative of the owner)

Actions: 1. Review of application
2. Public hearing

3. SEQR

4. Discussion and action by the board

1. Review of Application

Mr. Flynn recused himself from United Memorial Medical Center proposal. Mr. Preston read the summary of the proposal, and then read into the minutes the recommendations made by the Genesee County Planning Board. (See attached.) Mr. Preston also read into the minutes the letter from Rochester Regional Health System which describes the parking plan. (See attached.)

Mr. Hanss explained that the addition to the hospital will consist of a cancer treatment center. He informed the board that the setback will make room for the linear accelerator which will be protected by a concrete wall. He said that placement of the accelerator is critical because the vault will sit close to the property line. Mr. Hanss brought diagrams with him on which he indicated the various components of the building. He showed where the main entrance will be located and how it opens into a waiting area. He noted that there are two functions of the center: one is medical oncology, where infusions take place; and the other is radiation oncology, where the concrete vault will be placed. There will be support facilities and exam rooms to take care of patients' other needs.

Mr. Hanss said that the brick color of the building be the same as the surgery center. He explained that in designing the project they had taken the elements that were put into the surgery building and developed that language in the new building. According to Mr. Hanss, there will be openings in the infusion area to allow in natural light, and the entrance will have a covered canopy but no structure.

Mr. Hanss said that the size and placement of the vault dictated that the facility could accommodate 11 treatment chairs. He indicated on the diagram the parking area designated for the cancer center and explained that it would be striped, and there would be a sidewalk connecting it to the building. Mr. McGinnis asked about the shuttle service and Mr. Hanss clarified that the shuttle service is used by employees; space in the lot across from the cancer center will be reserved for patient use. He said that the 35 parking spaces that will be displaced by the new building will be compensated for at the Jerome Center campus of the hospital.

At his appearance before the Zoning Board of Appeals the previous week, an email from an adjacent neighbor had been presented. In anticipation of the email being read at this meeting as well, Mr. Hanss raised the subject of contractor parking and adjacent neighbor concerns over it. He said that a map of the site is going into the contract specification book for contractors bidding on the project. Contractor parking will be located on Wiard Street. Other than the superintendent, no one will be allowed to park on site. There will be a shuttle reserved especially for the contractors.

Mr. McGinnis asked if the problem with trailer trucks parking on Chandler Avenue, which Mr. Juliano had complained about in his email, would be solved by this parking plan. Mr. Calman replied that the trucks Mr. Juliano referred to in his email are not from construction; the trucks are using the loading dock located on that side of the hospital. Mr. Calman said that Mr. Juliano's other complaint is street parking. According to Mr. Calman, the hospital has conferred with the City about what can be done, but Chandler Avenue is in the public right of way and street parking is allowed by law. Mr. Hanss pointed out that the construction is taking place on the other side of the hospital, so he does not anticipate that Chandler Avenue will be affected.

Mr. Gray asked when employees would be removed from the parking area; and, what is the construction time line. Mr. Hanss said that as soon as they take over the site, parking will be moved to the Jerome Center campus. He reported that they are in the process of putting final documents together for the construction manager. He said that test borings and sub-surface investigation has been completed and the reports are in, and now they are just waiting for approval from the board. They are planning on an April structural start. Mr. McGinnis asked about the projected completion date and Mr. Hanss responded that it is January 2016.

2. Public Hearing

Mr. Preston opened the public hearing at 6:57 pm. He read into the minutes an email from Charles Juliano, 2 Chandler Avenue. (See attached.) There were no calls and no one came to speak about the project. Mr. Preston closed the public hearing at 7:00 pm.

3. SEQR

After reviewing the application a motion was made to approve SEQR.

Motion by: Alfred McGinnis

"I make a motion to approve a negative declaration of SEQR."

The motion was seconded by Mr. Preston, and on roll call, was approved 4-0 (Matthew Gray, Alfred McGinnis, Duane Preston, Jeffrey Scott).

4. Discussion and Action by the Board

Motion by: *Alfred McGinnis*

"I make a motion to approve the building permit for UMMC."

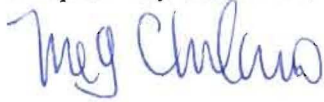
The motion was seconded by Jeffrey Scott, and on roll call, was approved 4-0 (Matthew Gray, Alfred McGinnis, Duane Preston, Jeffrey Scott).

V. Setting of Next Meeting: March 17, 2015

VI. Adjournment

Jeffrey Scott made a motion to adjourn; the motion was seconded by Matthew Gray, and all voted in favor.

Respectfully submitted,



Meg Chilano