

ZONING BOARD OF APPEALS

Thursday, March 26, 2015

6:00 pm

Council Board Room

One Batavia City Centre, Batavia, NY

AGENDA

- I. Roll Call
- II. Call to order
- III. Pledge of Allegiance
- IV. Approval of February 26, 2015
- V. Statement about the role of the Zoning Board of Appeals and the procedure it follows
- VI. Variance Requests
 - A. **Request #1** *11 Hutchins Street*
 Juan Santiago, contractor
 - Area Variance: Construction of a non-permanent metal wheelchair ramp
 within the side yard clear space along the north property
 line of this one family residential
 - 1. Public Hearing
 - 2. Action by the board
- VII. Setting of Next Meeting: April 23, 2015
- VIII. Adjournment

ZONING BOARD OF APPEALS

Minutes

Thursday, February 26, 2015

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

Members present: *William Hayes, Sandra Licata, Paul McCarthy*

Others present: Kurt Calman, Joseph Hanss, Meg Chilano - Recording Secretary, Doug Randall - Code Enforcement Officer

I. Roll Call

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

II. Call to Order

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

III. Pledge of Allegiance

IV. Approval of Minutes from January 15, 2015 Meeting

Motion by: *Sandra Licata*

“I make a motion to accept the minutes as written.”

Seconded by: *Paul McCarthy*

Votes in favor: 3 (William Hayes, Sandra Licata, Paul McCarthy)

Votes opposed: 0

Votes abstained: 0

Result: Approval of January 15, 2015 minutes.

V. Zoning Board of Appeals statement

Mr. Hayes read a statement regarding the role of the Zoning Board of Appeals and the procedures it follows.

VI. Variance Requests

- A. 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 front 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 (Clark Patterson Lee), representative of the owner

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

1. Review of Application

Acting Vice Chairperson Sandra Licata summarized the proposal for the board. Mr. Hanss was available to speak about the project. He stated that the new addition will consist of a cancer center which will include an infusion suite. He said that a linear accelerator will be installed where the setback is located. According to Mr. Hanss, the placement of the linear accelerator was guided by the proximity of the property line. Mr. Hanss had brought with him diagrams, which the board perused while he explained the logistics of the project location and described the various components of the treatment center, such as the waiting area, the infusion suite, medical oncology, and radiation oncology. He explained about the thickness of the concrete around the section consisting of the vault, which is used for protection from the radiation emitted by the linear accelerator. Mr. Hanss showed where the entrance would be located and indicated that it would have an overhang designed to protect wheel chair patients from the rain when they are dropped off.

Mr. Hayes asked how they intended to compensate for the loss of parking. Mr. Hanss responded that the spaces that will be lost by new construction will be compensated for in another area. According to Mr. Hanss, they calculated that 24 parking spaces would be needed for the cancer center and that those spaces will be marked specifically for patients being treated there. Mr. Calman, representative from United Memorial Medical Center, added that there is a possibility that since cancer patients have recurring appointments, their cars could be tagged. Mr. Hanss explained that employees are shuttled to the hospital from the parking area on Bank Street. Mr. Hayes asked how the parking would be policed, and Mr. Calman answered that enforcement of parking in that area would be incorporated into hospital operations.

2. Public Hearing

Mr. Hayes opened the public hearing at 6:16 pm by reading an email from Charles Juliano, 2 Chandler Avenue. (See attached.) One of the concerns Mr. Juliano expressed was that an expansion to the hospital would increase parking on Chandler Avenue. According to Mr.

Juliano, sometimes semis double park, reducing the street to a single lane of traffic. Mr. Hayes noted that he had asked about how much parking would be available and how it would be policed for that reason. Mr. Juliano was also concerned about where construction materials would be stored. He said that the last time the hospital went through an expansion, construction trailers were parked in front of his property for two years. He asked that the hospital store materials on the west side.

Mr. Hanss addressed storage concerns by stating that they had brought a construction manager into the project at an early point. According to Mr. Hanss, they informed the manager that they did not want any subcontractors parking on the hospital campus, therefore, space at the Jerome Center has been designated for a contractor parking area. The plan also includes using the building that the hospital owns across the street for storage, with the spaces around it reserved for parking trailers. He said that there will be a fence surrounding the area with a gate so that there would only be one place for deliveries to come onto the site.

Mr. Hayes asked if the neighbors are complaining because hospital employees are currently parking on the street. Mr. Calman replied that the hospital is in a difficult position because they cannot legally prevent employees from parking on the street. Chandler Avenue is considered city level parking.

There was no one present who wished to speak and no other correspondence or calls. Mr. Hayes closed the public hearing at 6:26 pm.

3. Discussion and Action by the Board

Mr. Hayes went through the list of supporting criteria for the variance:

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no
- Self-created: no

Motion by: *Sandra Licata*

“I make a motion that we approve the setback for this project, and to take into consideration where the trailers will be and where the deliveries will be made, and that the construction workers park at the Jerome Center, and the hospital makes considerations for the parking across the street and polices it, with 6 months to get the permit.”

Seconded by: *Paul McCarthy*

Votes in favor: 3 (William Hayes, Sandra Licata, Paul McCarthy)

Votes opposed: 0

Votes abstained: 0

Result: Approval of Area Variance

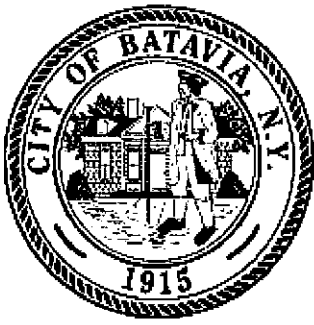
VII. Setting of Next Meeting: March 26, 2015

VIII. Adjournment

Mr. Hayes made a motion to adjourn the meeting at 6:37 pm. Dr. Licata seconded. All voted in favor.

Respectfully submitted,

Meg Chilano



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: Genesee County Planning
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 2/27/15

Re: 11 Hutchins St.
Tax Parcel No. 84.066-2-42

Zoning Use District: R-3 and C-2

The applicant, Juan Santiago (contractor), has filed an application to construct a non-permanent metal wheelchair ramp within the side yard clear space along the north property line of this one family residential property.

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) (10).

Review and Approval Procedures:

County Planning Board- Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of the **right of way of a state parkway, throughway, expressway, road or highway.**

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	BMC Sec. 190-29 A. and Schedule I		
	<u>Required</u>	<u>Proposed</u>	<u>Difference</u>
Side yard set back (min.)	8'	.51'	7.49'

SEND OR DELIVER TO:

GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 344-2580 Ext. 5467

DEPARTMENT USE ONLY:

GCDP Referral # _____



*** GENESEE COUNTY ***
PLANNING BOARD REFERRAL

Required According to:

GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N
(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATIONBoard(s) Zonning Board of AppealsAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345 - 6347 Ext. _____**2. APPLICANT INFORMATION**Name Juan Santiago (contractor)Address 4365 Ransom Rd.City, State, Zip Clarence, NY 14031Phone (716) 289 - 6447 Ext. _____ Email _____MUNICIPALITY: ☒ City ☐ Town ☐ Village of Batavia**3. TYPE OF REFERRAL:** (Check all applicable items)

- ☒ Area Variance
☐ Use Variance
☐ Special Use Permit
☐ Site Plan Review

- ☐ Zoning Map Change
☐ Zoning Text Amendments
☐ Comprehensive Plan/Update
☐ Other: _____

- Subdivision Proposal
☐ Preliminary
☐ Final

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:A. Full Address 11 Hutchins St.B. Nearest intersecting road Ellicott St.C. Tax Map Parcel Number 84.066-2-42

D. Total area of the property _____ Area of property to be disturbed _____

E. Present zoning district(s) R-3 and C-2**5. REFERRAL CASE INFORMATION:**

A. Has this referral been previously reviewed by the Genesee County Planning Board?

☒ NO ☐ YES If yes, give date and action taken _____

B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law

BMC 190-29 A and Schedule 1C. Please describe the nature of this request Approval to place a metal wheel chair ramp within the side yard clear space along the north property line of this one family dwelling.**6. ENCLOSURES** – Please enclose copy(s) of all appropriate items in regard to this referral

- ☒ Local application
☒ Site plan
☐ Subdivision plot plans
☐ SEQR forms

- ☐ Zoning text/map amendments
☐ Location map or tax maps
☒ Elevation drawings
☐ Agricultural data statement

- ☐ New or updated comprehensive plan
☐ Photos
☒ Other: Cover letter

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17.

Email to planning@co.genesee.ny.us**7. CONTACT INFORMATION** of the person representing the community in filling out this form (required information)Name Douglas Randall Title Code Enf. Officer Phone (585) 345 - 6327 Ext. _____Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020 Email drandall@batavianewyork.com

15853451385 2/26/15 - PB 3/26/15



CITY OF BATAVIA

APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____

Hearing Date/Time: _____

APPLICANT: Juan Santiago santagos391@gmail.com
 Name 4365 Ransom Rd E-Mail Address 716 289 6447
 Street Address _____ Phone _____ Fax _____
Clarence N.Y. 14031
 City State Zip

STATUS: ☐ Owner ☒ Agent for Owner ☒ Contractor

OWNER: Robert J. Schute
 Name _____ E-Mail Address _____
11 HUTCHINS
 Street Address _____ Phone _____ Fax _____
BATON N.Y. 14020
 City State Zip

LOCATION OF PROPERTY: 11 Hutchins Street

DETAILED DESCRIPTION OF REQUEST: Place non permanent modular wheelchair ramp at rear of house. Ramp would be placed in between two homes

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.

Juan Santiago 2/25/15
 Applicant's Signature Date
see attached Consent form 2/25/15
 Owner's Signature Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.000-2-45 ZONING DISTRICT: R-3 and C-2 FLOOD PLAIN: AH

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: BMC 190-29 A. and Schedule 1
Sideyard Setback.

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.
The ramps concealed between houses.
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. All other means have been explored and entrances are located between houses.
3. **Substantiality.** The requested area variance is not substantial. Variance will allow for 2.5' distance between ramp + neighbors house
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. There is no adverse effects or impacted on the physical or environmental condition in the neighborhood or community.
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. This difficulty was not self created


Applicant's Signature

2/25/15
Date

CITY OF BATAVIA

BUILDING PERMIT APPLICATION

DATE: 7/11/2014

APPLICANT NAME & PHONE: Jodi Silvernail-1.585.219.4552

Project Location and Information

Permit #: _____ Fee: _____

Address of Project: 11 Hutchins Street Batavia NY

Owner & Address: Robert Schultz 4668 Barrville Rd Alba, NY 14058

Phone: 1.585.366.9975

Project Type/Describe Work

Estimated cost of work: \$3978.00 Start date: 8/1/2014

Describe project: Install modular ramp for child in a standard non-motorized wheelchair. This is not a permanent structure. See attached drawing, specifications, and survey. ADA approves a 2/12 slope in a residential application.

Contractor Information - Insurance certificates (liability & workers comp) required to be on file

GENERAL

Name/Address: Caring Environments 4365 Ransom Road Clarence NY 14031 No Employees/owner
Phone: 716-289-6447/716-481-0243 operated.

PLUMBING (City of Batavia Licensed Plumber Required)

Name/Address: _____

Phone: _____

HEATING

Name/Address: _____

Phone: _____

ELECTRICAL (Third Party Electrical Inspection Required)

Name/Address: _____

Phone: _____

FOR OFFICE USE ONLY

Zoning District: R-3 Flood Zone: AH Corner Lot: NO Historic District/Landmark: NO

Zoning Review: _____ Variance Required: _____ Site Plan Review: _____ Other: _____

National Grid Sign Off (Pools): N/A Lot Size: 33x77

Existing Use: 1-family NYS Building Code Occupancy Class: _____

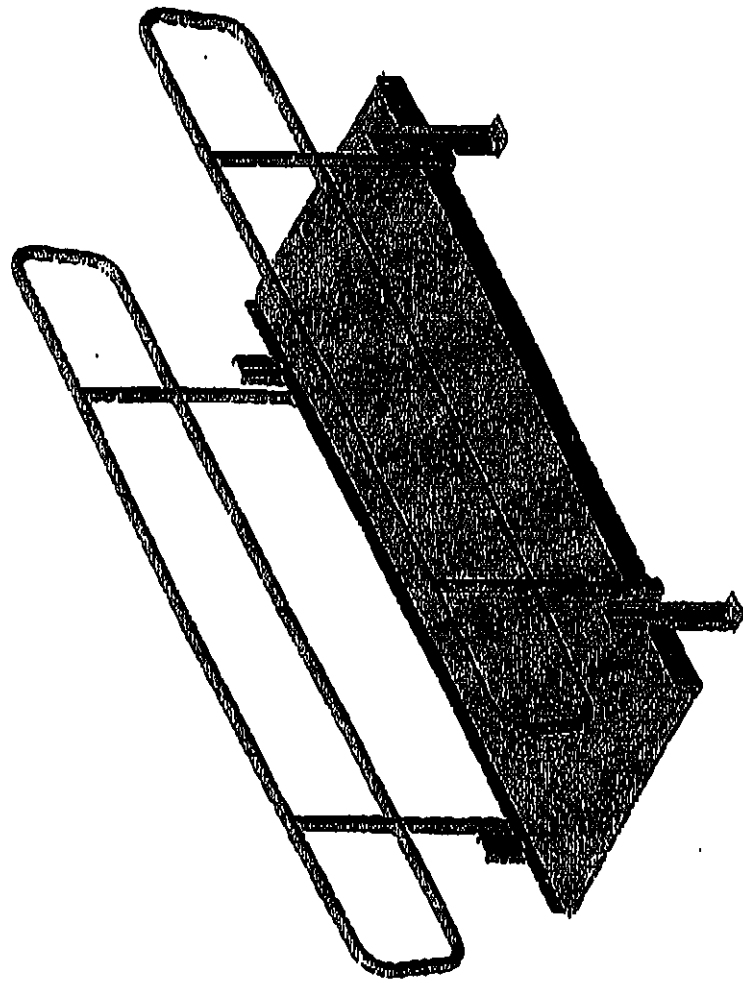
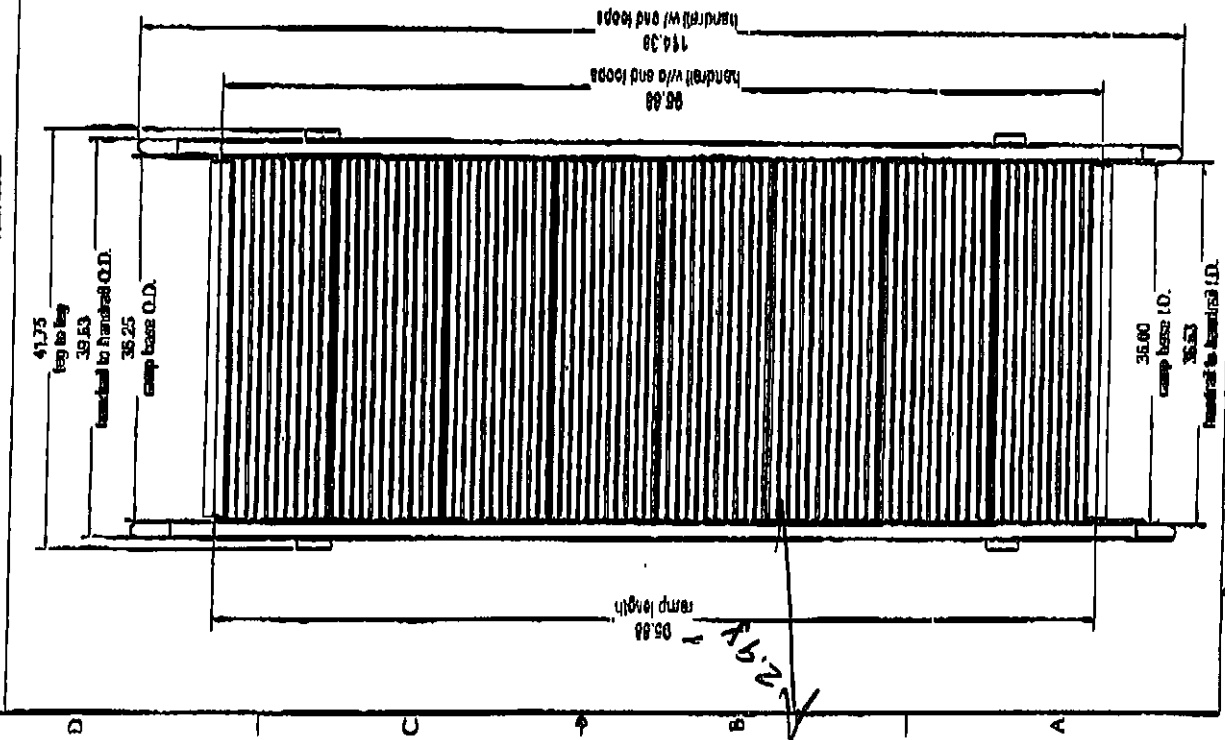
Proposed Use: same NYS Building Code Occupancy Class: _____

6/13

ECMC 716-898-4477

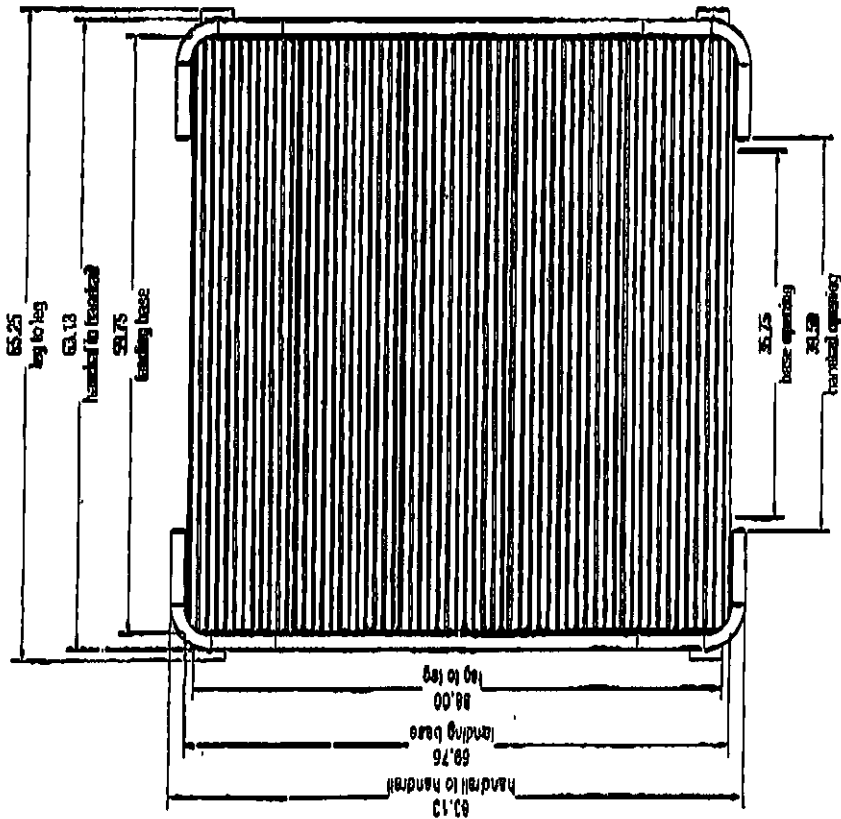
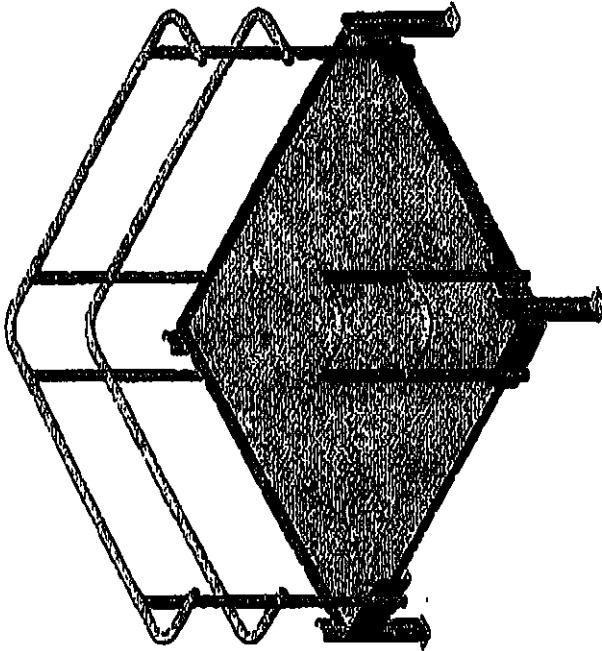
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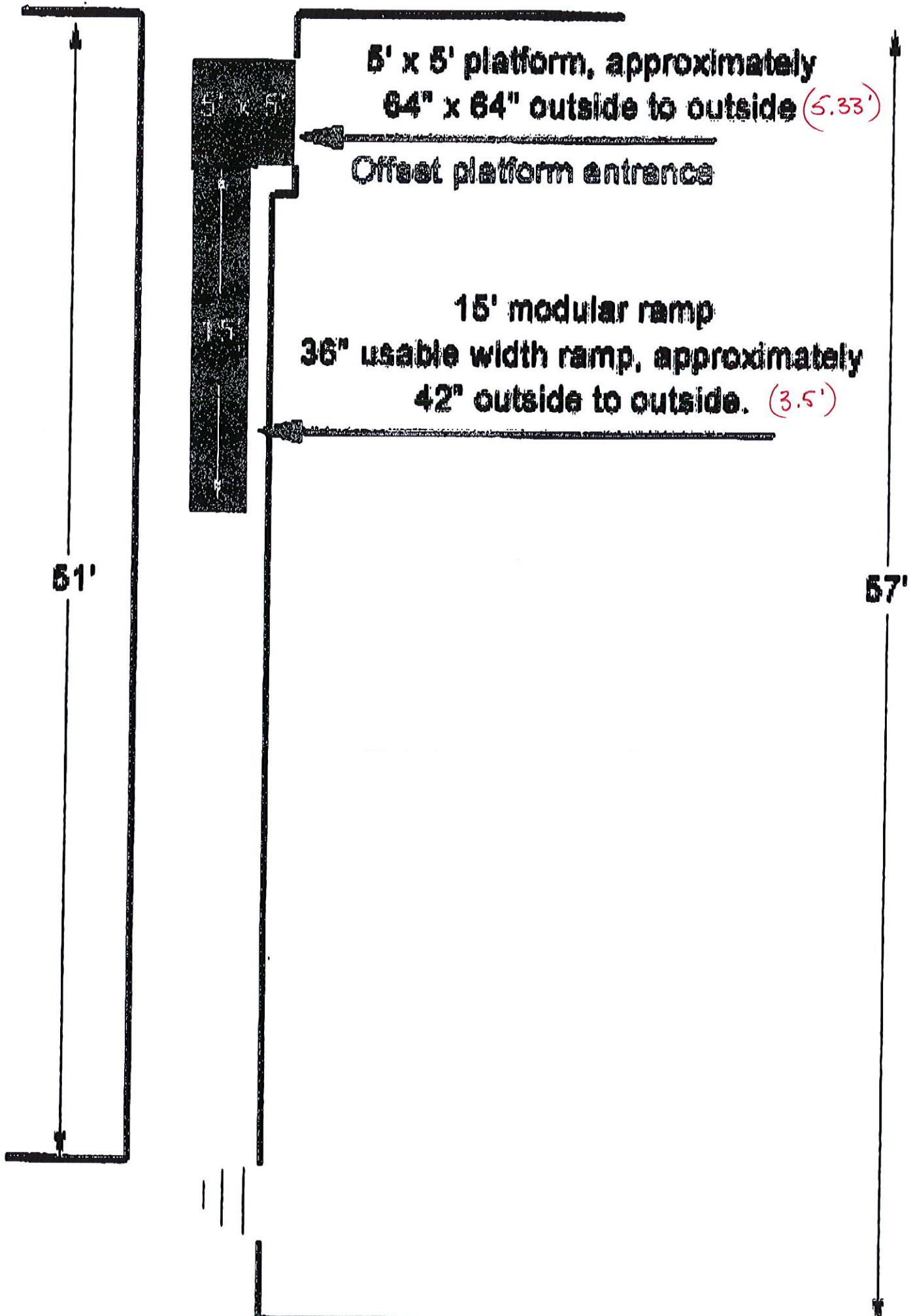
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FVI		PRAIRIE VIEW INDUSTRIES	
FILE NAME	DATE	DESIGNED	LAST SAVED
XP-1 Landing Dimensions	5/2/2012	5/2/2012	5/2/2012
SCALE	1:24	SHEET	5
REV #			

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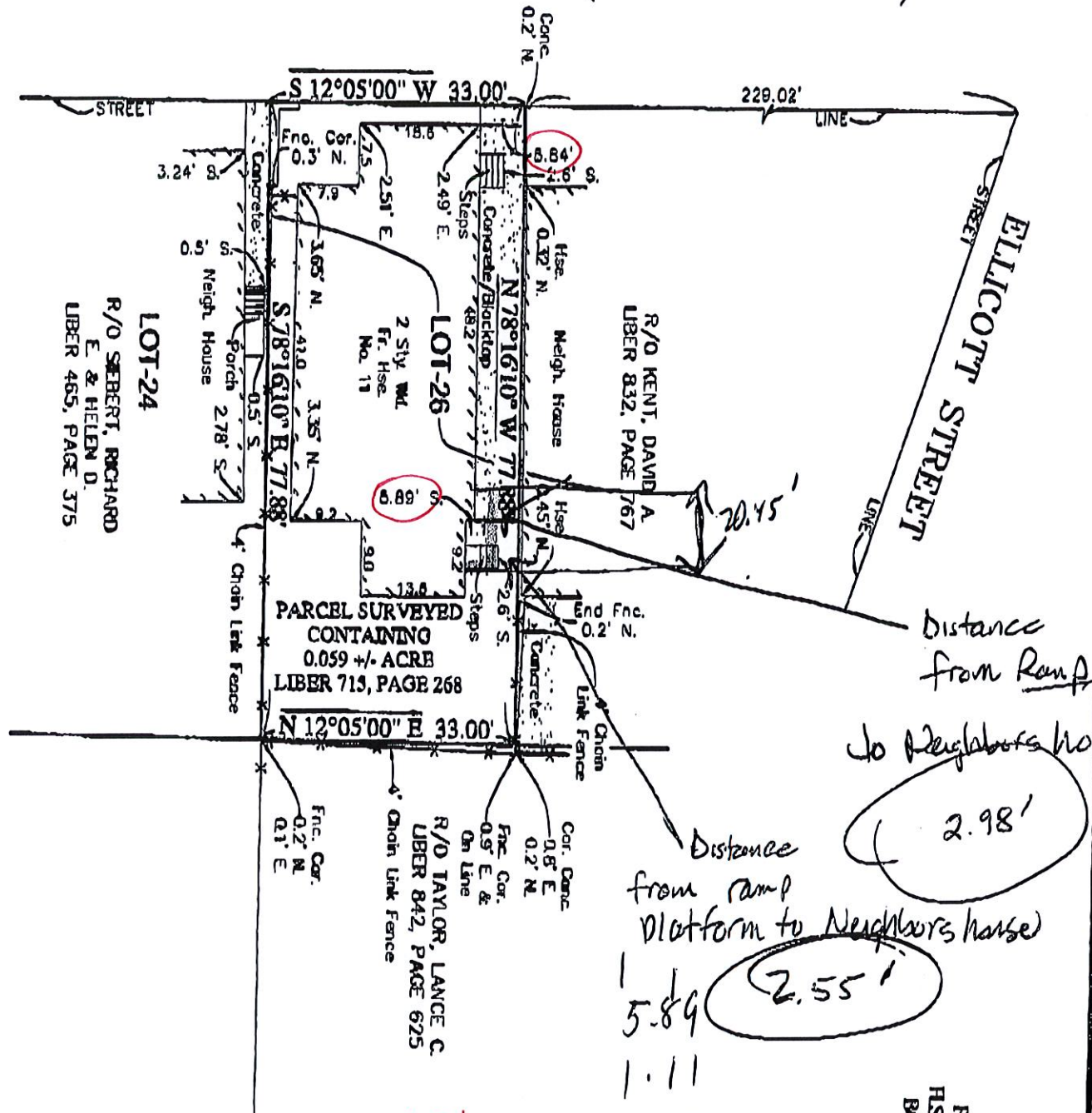
5.43 - 1.1

FILE NAME	XP-1 Landing Dimensions		DATE	5/2/2012	BY	KAM	APPROVED	PVI Tolerance ±.015
SCALE	124	SHEET = 2	XP-5x5 Landing	5/2/2012	LAST SAVED			
REV =		INT.		5/2/2012				Practice View Endostripes
1	3	1	2					





HUTCHINS STREET (49.5' R.O.W.)



Distance from Ramp to Neighbors house
 2.98'

Distance from Ramp Platform to Neighbors house
 2.55'

5.84
 - 5.33
 .51'

5.84
 1.11
 7.00

REFERENCE
 H.S. HUTCHINS SUBDIVISION
 BOOK 3 OF MAPS, PAGE

BOUNDARY OF ROBE BEING P. 33. DIST. OF SUBD HUTCHINS CITY OF AND STA
 DECEMBER

DATE 12/19/14