

ZONING BOARD OF APPEALS

Thursday, February 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 January 15, 2015
- V. Statement about the role of the Zoning Board of Appeals and the procedure it follows
- VI. Variance Requests

A. Request #1

127 North Street

Joseph Hanss of Clark Patterson Lee, representative of the owner

Area Variance:

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

- 1. Review application
- 2. Public Hearing
- 3. Discussion and action by the board

VII. Setting of Next Meeting: March 26, 2015

VIII. Adjournment

ZONING BOARD OF APPEALS

Minutes

Thursday, January 15, 2015

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

Members present: *Jeffrey Gillard, William Hayes, Sandra Licata,*

Others present: Rose Mary Christian, Mr. and Mrs. Graham, Tim Jess, Terry Platt, Dave Tufts, Meg Chilano - Recording Secretary, Doug Randall - Code Enforcement Officer

I. Roll Call

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

II. Call to Order

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

III. Pledge of Allegiance

IV. Approval of Minutes from December 18, 2014 Meeting

Motion by: *Jeffrey Gillard*

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

Seconded by: *William Hayes*

Votes in favor: 3 (Jeffrey Gillard, William Hayes, Sandra Licata)

Votes opposed: 0

Votes abstained: 0

Result: Approval of December 18, 2014 minutes.

V. Zoning Board of Appeals statement

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

VI. Variance Requests

- A. Installation of a wooden fence along the west property line with the structural supports, cross members, and rails installed facing the neighboring property in violation of the municipal requirement

Address: 316 East Main Street

Applicant: Terry Platt, owner

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

1. Review of Application

Vice Chairman Hayes summarized the proposal for the board. Mr. Platt was available to speak about the project. He explained that there was already a chain link fence-which belongs to him- in place when he installed the new fence. When Mr. Platt said that he would take it down, the adjacent neighbor requested that the chain link fence remain in place. With the chain link fence still in place, there is not enough room for the supporting structures to be installed on the correct side.

2. Public Hearing

Mr. Gillard opened the public hearing at 6:06 pm. Tim Jess, the adjacent neighbor at 314 East Main Street, wished to speak. He told the board that he had asked Mr. Platt to leave the chain link fence. He said that he likes it the way it is and if the wind becomes too strong in the back yard, the fence posts could be anchored to the chain link fence. Mr. Platt said that if at any time Mr. Jess decides that he wants the chain link fence down, Mr. Platt would remove it. Mr. Hayes asked if the fence posts are in concrete. Mr. Platt responded that they are in the dirt, 4' in the ground.

No one else wished to speak and there no calls or correspondence. Mr. Gillard closed the public hearing at 6:08 pm.

3. Discussion and Action by the Board

Mr. Gillard 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

Mr. Hayes wanted to know what would happen if a future owner wanted the fence reversed. Mr. Randall explained that if the board granted a zoning variance, it would be attached to the property not the owner, and the fence could stay that way.

Motion by: *Jeffrey Gillard*

“I make a motion to approve this variance as written with 60 days to complete the paperwork.”

Seconded by: *Sandra Licata*

Votes in favor: 3 (Jeffrey Gillard, William Hayes, Sandra Licata)

Votes opposed: 0

Votes abstained: 0

Result: Approval of Area Variance

- B. Construction of an 8' x 21'-10 ¾" one story addition to the south side of an existing 12' x 21'-10 ¾" one story attached garage. A portion of the proposed addition will be located within the required 35' rear yard clear space

Address: *143 Vine Street*

Applicant: William Graham, owner

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

1. Review of Application

Mr. Hayes summarized the proposal. The owner of the property, Mr. Graham, said that he has a new snow blower with a cab and he needs a bigger garage to put it in. According to Mr. Graham, the side of the garage attached to the house will remain the same. Mr. Gillard asked about drainage and Mr. Graham answered that it would drain into the back yard. Mr. Hayes pointed out that there will be more square footage to the roof and therefore more drainage into the back. He and Mr. Gillard agreed that the drainage would have to go to the side toward the driveway.

Mr. Gillard asked if the construction would all be the same. Mr. Randall explained that the contractor had provided a description of the materials and it appears as though the 12' portion will remain as siding, but the roof and side walls will be steel. Dr. Licata noted that it will not match. Mr. Gillard asked if the colors would match. The board members looked for pictures but none were available. Mr. Gillard asked again about the color. Mr. Graham said that their house is bluish gray and the garage will be gray.

Question about drainage arose again and Mr. Randall said that the inspector would make sure the drainage was handled properly.

2. Public Hearing

Mr. Gillard opened the public hearing at 6:22 pm. He read an email from an adjacent neighbor into the minutes. Mr. Graham was unable to hear so Mr. Hayes gave him a copy of the email. There was no one present who wished to speak about the proposal and no other correspondence or calls from adjacent neighbors. Mr. Gillard closed the public hearing at 6:24 pm.

3. Discussion and Action by the Board

Mr. Gillard 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: *William Hayes*

“I make a motion to approve this variance with two conditions: make sure the drainage is away from neighboring properties; and that the color of the structure is a close match to the existing house. Applicant has six months to file for the permit.”

Seconded by: *Sandra Licata*

Votes in favor: 3 (Jeffrey Gillard, William Hayes, Sandra Licata)

Votes opposed: 0

Votes abstained: 0

Result: Approval of Area Variance

C. Placement of a 21' x 20' one story pre-manufactured steel garage in the side yard of this property

Address: *29 Williams Street*

Applicant: *Rose Mary Christian, owner*

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

1. Review of Application

Mr. Hayes read the summary of the proposal. Mr. Gillard stated that there would be a modification in size from what had originally been written to 24' x 24'. Councilwoman Christian was present but did not wish to add any comments to her proposal.

2. Public Hearing

Mr. Gillard opened the public hearing at 6:29 pm. No calls or correspondence had been received and there was no one present who wished to speak about the proposal. Mr. Gillard closed the public hearing at 6:30.

3. Discussion and Action by the Board

Mr. Gillard 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 to approve this variance with the dimensions 24’ x 24’ with six months to obtain the permit.”

Seconded by: *Jeffrey Gillard*

Votes in favor: 3 (Jeffrey Gillard, William Hayes, Sandra Licata)

Votes opposed: 0

Votes abstained: 0

Result: Application for Area Variance approved

- D. Construction of a 3,490 sq.’ two story detached two family dwelling that will include four indoor parking spaces on the first floor and two dwelling units on the second floor. This proposal was previously approved as an addition to an existing structure and was recommended for approval by the Genesee County Planning Board on 12/11/14, and was approved by the Planning and Development Committee on 12/16/14 and the Zoning Board of Appeals on 12/18/14. The proposed building’s size, interior layout and exterior appearance will match the previously approved plan with the exception of its detached construction. The new plan places this structure within the clear yard spaces along the south and west property lines. Area variances were previously granted to permit the construction, as proposed, within 5.1’ of the west property line and to modify the required off street parking spaces to permit ten spaces for medical office parking with six spaces provided for the residential uses

Address: 438 East Main Street

Applicant: Dave Tufts, owner

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

1. Review of Application

Mr. Hayes read the summary for the proposal. He asked Mr. Tufts about the change in the attached addition. Mr. Tufts said that in the past month they have had the opportunity to do more checking into compliance issues. Mr. Tufts explained that with the mixed nature of a partially existing structure and new construction, it became increasingly difficult to bring everything into compliance. According to Mr. Tufts, it is easier to work with an independent existing structure and independent new construction than to combine the two. Mr. Gillard asked if the only change is the separation of the two structures and if everything the board had gone over the previous month would be the same. Mr. Tufts assured the board that everything would remain the same except that the two structures would not share a common wall.

2. Public Hearing

Mr. Gillard opened the public hearing at 6:36 pm. There was no correspondence or calls and no one present who wished to speak. Mr. Gillard closed the public hearing at 6:37 pm.

3. Discussion and Action by the Board

Mr. Gillard 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: *Jeffrey Gillard*

“I make a motion to approve the modified request variance with six months to obtain the building permit.”

Seconded by: *William Hayes*

Votes in favor: 3 (Jeffrey Gillard, William Hayes, Sandra Licata)

Votes opposed: 0

Votes abstained: 0

Result: Application for Area Variance approved.

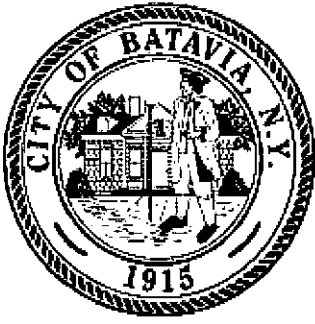
VII. Setting of Next Meeting: February 26, 2015

VIII. Adjournment

Mr. Gillard made a motion to adjourn the meeting at 7:24 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
Planning and Development Committee
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 1/30/15

Re: 127 North St. (UMMC)
Tax Parcel No. 84.007-2-2

Zoning Use District: P-2

The applicant, Joseph Hanss of Clark Patterson Lee (representative of the owner), has filed an application for approval to construct a 9,850 square foot 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.

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 boundary of county or state owned land on which a public building or institution is situated.**

City Planning and Development Committee- Pursuant to section 190-25 G.(1)(a,b,c) of the zoning ordinance, the Planning and Development Committee shall, prior to issuance, review and approve requests for building permits on properties located within the P-2 (Planned Development- Medical) zoning use district. The PDC will determine if the proposed site plan, structure, and use compare favorably with community standards, other neighborhood improvements and the properly intended and planned appearance and use within this district.

Note: The additional parking requirements for this proposed medical clinic/treatment facility regulated by 190-25 E (2)(c) requires a minimum of five spaces per doctor. Attached is an explanation of the "Parking Plan" that includes the continuation of shuttle service to an already established offsite parking facility owned and operated by UMMC.

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

1) BMC Sec. 190-25 (2)(a) Yards-

	<u>Required</u>	<u>Proposed</u>	<u>Difference</u>
Front yard minimum	25'	1'	24'

The Planning and Development Committee will act as a lead agency and independently conduct an uncoordinated review of SEQR.

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) INFORMATION

Board(s) Planning and Development Committee

Address One Batavia City Centre

City, State, Zip Batavia, NY 14020

Phone (585) 345 - 6347 Ext. _____

2. APPLICANT INFORMATION

Name Joseph Hanns (Clark Patterson Lee)

Address 205 St. Paul St.

City, State, Zip Rochester, NY 14568

Phone (585) 454 - 4570 Ext. _____ Email jhanss@clarkpatterson.com

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 127 North

B. Nearest intersecting road Summit St. Extension

C. Tax Map Parcel Number 84.007-2-2

D. Total area of the property 10.2 acres total Area of property to be disturbed .4 acres

E. Present zoning district(s) P-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 Sec. 190-25 (2)(a) Front yard variance

C. Please describe the nature of this request Approval to construct a 9,850 square foot one story addition to the west side of an existing hospital for use as a specialized medical treatment center for non-sleeping, non-24 hour care patients.

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

CITY OF BATAVIA BUILDING PERMIT APPLICATION

DATE: 28 January 2015 _____

APPLICANT NAME & PHONE: _____ United Memorial Medical Center – 585-343-6030 _____

Project Location and Information Permit #: _____ Fee: _____

Address of Project: _____ 127 North Main Street, Batavia NY _____

Owner & Address: United Memorial Medical Center 127 North Main Street, Batavia NY _____

Phone: 585-343-6030 _____

Project Type/Describe Work

Estimated cost of work: \$3,500,000 _____ Start date: _____ April 1, 2015 (estimated) _____

Describe project: _____ 9850 Square foot building located on the west side of the campus in an existing parking lot _____

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

GENERAL

Name/Address: To be determined _____

Phone: _____

PLUMBING (City of Batavia Licensed Plumber Required)

Name/Address: To be determined _____

Phone: _____

HEATING

Name/Address: To be determined _____

Phone: _____

ELECTRICAL (Third Party Electrical Inspection Required)

Name/Address: To be determined _____

Phone: _____

FOR OFFICE USE ONLY

Zoning District: _____ Flood Zone: _____ Corner Lot: _____ Historic District/Landmark: _____

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

National Grid Sign Off (Pools): _____ Lot Size: _____

Existing Use: _____ NYS Building Code Occupancy Class: _____

_ Proposed Use: _____ NYS Building Code Occupancy Class: _____

REQUIRED INSPECTIONS

Contact the Bureau of Inspection at (585) 345-6345 twenty-four 1241 hours in advance to schedule all inspections.
IT IS THE RESPONSIBILITY OF THE OWNER AND/OR AGENT TO CONTACT THIS OFFICE & BE PRESENT FOR ALL INSPECTIONS

Site	Water Service	Sewer Service
____ Footing before Placing Concrete		
Foundation before backfill		
____ Framing before enclosing (After mechanical inspection)		
____ Electrical before enclosing (Third Party Electrical Inspection Agency)		
____ Plumbing before enclosing (City of Batavia Licensed Plumber Required)		
____ Insulation before enclosing	Ice/Water Shield	____ Final Completion

In consideration of the granting of the permit hereby petitioned for, the undersigned hereby agrees to: 1) comply with the terms thereof, the laws of the State of New York, the Ordinance of the City of Batavia, and the Regulations of the various departments of the County of Genesee and the State of New York; 2) preserve the established building line; 3) request all the necessary inspections and authorize and provide the means of entry to the premises and building to the Bureau of Inspection, and 4) will not use or permit to be used the structure or structures covered by the permit until sanitary facilities are completely furnished and either a Certificate of Occupancy or Certificate of Completion is issued. The undersigned hereby certifies that all of the information in this petition is correct and true.

Applicant Signature

Date

Roofing Disclaimer- Per the Residential & Building Code of New York State

R907.3 Recovering versus Replacement

New roof coverings shall not be installed without first removing existing roof coverings where any of the following conditions occur:

1. Where the existing roof or roof coverings is water-soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.
2. Where the existing roof covering is wood shake, slate, clay, cement or asbestos-cement tile.
3. Where the existing roof has two or more applications of any type of roof covering.

Exceptions:

1. Complete and separate roofing systems, such as standing-seam metal roof systems, that are designed to transmit the roof loads directly to the building's structural system and that do not rely on existing roofs and roof coverings for support shall not require the removal of existing roof coverings.
2. Metal panel, metal shingle, and concrete and clay tile roof coverings shall be permitted to be installed over existing wood shake roofs when applied in accordance with Section R907.4.

I, _____ owner and/or agency of the property located at _____ for Building Permit No.

_____ have reviewed and understand the requirements of Section 907.3 Recovering versus Replacement.

Applicant Signature

Date

Fence Disclaimer

I understand Section 190-33.B Fences, Walls and Hedges of the City of Batavia Zoning Ordinance regulated the installation of fences as follows:

"Fences, hedges and walls in Residential Districts shall not exceed three (3) feet above ground level when located within fifteen (15) feet of the property line abutting any street and shall not exceed six (6) feet above ground level when located elsewhere on the property. However, there shall be no height limit for hedges in rear yards within residential zones. In commercial and Industrial Districts, fences, hedges, and walls shall not exceed eight (8) feet in height unless permitted by a special use permit from the Planning & Development Committee. A fence designed to be structurally supported by posts, cross members or rails on one (1) side only shall be erected with the posts, cross members or rails on the fence owner's side, and the finished side of the fence shall face adjacent properties."

I, _____ owner and/or agent of the property located at _____ for Permit No. _____ understand that this permit is issued based on information supplied by owner/agent and that the City of Batavia accepts no responsibility for inaccurate documentation or information supplied to secure the permit.

Applicant Signature

Date

15-08



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____

Hearing Date/Time: _____

Clark Patterson Lee

jhanss@clarkpatterson.com

APPLICANT:

Name	E-Mail Address	
205 St. Paul Street	585-454-4570	585-454-7618
Street Address	Phone	Fax
Rochester	New York	14568
City	State	Zip

STATUS:

____ Owner ☒ Agent for Owner ____ Contractor
United Memorial Medical Center kcalman@ummc.org

OWNER:

Name	E-Mail Address	
127 North Main Street	585-344-7373	585-344-7386
Street Address	Phone	Fax
Batavia	New York	14020
City	State	Zip

LOCATION OF PROPERTY: 127 North Main Street, Batavia, New York

DETAILED DESCRIPTION OF REQUEST: Relief from front yard setback P-2 Zoning from 25'-0" to 1'-0"

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.

Applicant's Signature

Date

Owner's Signature

Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.007-2-2 ZONING DISTRICT: P-2 FLOOD PLAIN: No

TYPE OF APPEAL: ☒ Area Variance FEE: \$50 (One or Two Family Use)
☐ Use Variance ☒ \$100 (All other Uses)
☐ Interpretation
☐ Decision of Planning Committee

PAID
FEB - 2 2015

Provision(s) of the Zoning Ordinance Appealed: BMC 190-25 D(2)(a) Front yard 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. No change in use is proposed.

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.
Limited expansion space exists on campus that would be located appropriately relative to interior building flow.

3. **Substantiality.** The requested area variance is not substantial.
The addition presents a nominal increase to the overall square footage of the Hospital.

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.
The proposed addition will operate as a health care service, which is compatible with the current hospital use. No adverse effect or impact to neighbors or community will occur.

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.
Current trends in the healthcare have led to the proposed project.


Applicant's Signature

28 Jan 2015
Date

TO: City of Batavia Planning Board

FROM: United Memorial Medical Center / Clark Patterson Lee

DATE: 1/28/2015

RE: Parking Plan

The new Cancer Center will generate a peak demand of 20 parking spaces. The construction of the new facility will displace 15 existing spaces. This leaves a deficit of 35 spaces. The Hospital intends to utilize the convenient existing parking directly across from the new entry of the Cancer Center. This existing parking lot has 71 parking spaces. The use of that lot is shared by 207 Summit Street (35 spaces) and 215 Summit Street (36 spaces.) 207 Summit Street is office use by Hospital employees, where the Doctor's Office building at 215 Summit Street operates clinically. The Hospital currently operates a shuttle service (utilized by 100 employees) to and from the North Street Main Hospital campus & St. Jerome Center campus. The Hospital estimates that a surplus of 50-60 spaces presently exist at St. Jerome.

The staff utilizing 207 Summit Street will be shuttled to/from the St. Jerome Center and the parking spaces vacated will be allocated to the new Cancer Center. The spaces will be signed and striped to ensure the spaces closest to the Cancer Center will be available to those patients.

