

ZONING BOARD OF APPEALS
Thursday, September 28, 2017
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 July 27, 2017 and August 24, 2017 minutes
- V. Statement about the role of the Zoning Board of Appeals and the procedure it follows
- VI. Variance Requests

A. Request #1 *7 Richmond Ave.*
Matt Jolliff, owner

Area Variance: Widen an existing 10' wide asphalt driveway to 23.5' by removing the existing driveway and placing a new one to match the attached plan

- 1. Review application
- 2. Public hearing and discussion
- 3. Action by the board

B. Request #2 *643-645 East Main St.*
Daniel Mattice, owner

Use Variance: Change the use of six automobile repair bays to individual storage units for rent

- 1. Review application
- 2. Public hearing and discussion
- 3. Action by the board

VII. Setting of Next Meeting: October 26, 2017

VIII. Adjournment

ZONING BOARD OF APPEALS
Draft Minutes
Thursday, July 27, 2017
6:00 pm
Council Board Room
One Batavia City Centre, Batavia, NY

Members present: *Bill Cox, Nick Harris, Paul McCarthy*

Members absent: Deborah Kerr-Rosenbeck, Jim Russell

Others present: Meg Chilano – Recording Secretary, Jason Molino – City Manager, Doug Randall – Code Enforcement Officer

I. Roll Call

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

II. Call to Order

Mr. McCarthy called the meeting to order at 6:05 pm.

III. Pledge of Allegiance

IV. Approval of Minutes

There were no corrections to the minutes. Mr. McCarthy assumed the motion and the minutes were approved by unanimous consent.

RESULT: Approval of June 22, 2017 minutes.

V. Zoning Board of Appeals statement

Mr. McCarthy explained the role of the Zoning Board of Appeals and the procedures it follows.

VI. Variance Requests

- A. Area Variance: construction of a shed addition on the south side of the dwelling within the side yard clear space

Address: 2 Verona Ave.

Applicant: James Basham, owner

Actions: Application removed from agenda.

- B. Area Variance: placement of a 10' x 20' wood frame shed in the west side yard of this corner lot parcel

Address: 23 Madison Ave.

Applicant: Adam Figlow, owner

- Actions:
1. Review application
 2. Public hearing and discussion
 3. Action by the board

1. Review Application

Acting Vice Chair Nick Harris read the summary of the proposal.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Public hearing opened at 6:10 pm.

The applicant, Mr. Figlow, pointed out that his property is a corner lot and stated that he would like to erect a shed for storage purposes.

There was no one present who wished to speak, and no calls, letters, or email concerning the proposal.

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Cox, and on roll call, was approved 3-0.

RESULT: Public hearing closed at 6:11 pm.

3. Action by the Board

Mr. McCarthy went through the list of supporting criteria for the variances:

- Undesirable change in neighborhood character: no
- Alternative cure sought: no, it's a corner lot
- Substantiality: no
- Adverse effect or impact on neighborhood/community: no
- Self-created: no

MOTION: Mr. McCarthy moved to approve the variance, with a 60 day time limit to obtain the permit. The motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Approval of Area Variance.

C. Area Variance: placement of a gas fueled 8 kW. electric generator at the northwest corner of the dwelling within the side yard clear space

Address: 657 East Main St.
Applicant: Jennifer DeLong, owner

- Actions:
1. Review application
 2. Public hearing and discussion
 3. Action by the board

1. Review Application

Mr. Harris read the summary of the proposal.

Mr. McCarthy noted that the Genesee County Planning Board recommended approval of the proposal.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Cox, and on roll call, was approved 3-0.

RESULT: Public hearing opened at 6:14 pm.

Mr. DeLong explained that it was difficult to find a place that was away from windows and a sufficient amount of space away from the neighbor's property. Mr. DeLong had brought photos showing where the generator would be placed.

Mr. Cox asked if the generator is natural gas operated and Mr. DeLong answered yes.

Mr. McCarthy asked about the noise level. Mr. DeLong responded that the generator is a new model that would only run for approximately 10 minutes per week and when the power is out.

There was no one present who wished to speak, and no calls, letters, or email concerning the proposal.

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Public hearing closed at 6:17 pm.

3. Action by the Board

Mr. McCarthy 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: Mr. Harris moved to approve the variance, with 60 days to obtain the permit. The motion was seconded by Mr. Cox, and on roll call, was approved 3-0.

RESULT: Approval of Area Variance.

D. Area Variance: widen an existing 20' wide driveway by placing 10' of Portland cement to the southwest side of the existing driveway

Address: *23 Meadowcrest Dr.*

Applicant: *Dennie Lounghed, owner*

- Actions:
1. Review application
 2. Public hearing and discussion
 3. Action by the board

1. Review Application

Mr. Harris read the summary of the proposal.

Mr. McCarthy reported that the Genesee County Planning Board and the Planning and Development Committee both recommended approval of the proposal.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Public hearing opened at 6:19 pm.

Mr. Lounghheed explained that there is a section between the cement pad and the road that becomes muddy when it rains. He said that the driveway tapers and he wants to make the whole thing the same size in order to make it roomier for his RV.

There was no one present who wished to speak, and no calls, letters, or email concerning the proposal.

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Cox, and on roll call, was approved 3-0.

RESULT: Public hearing closed at 6:22 pm.

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

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: similar driveways in the neighborhood
- Adverse effect or impact on neighborhood/community: no
- Self-created: somewhat

3. Action by the Board

MOTION: Mr. McCarthy moved to approve the proposal; the motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Area Variance was approved.

E. Area Variance: clear three parcels, merge the parcels, and erect a four story high rise apartment building

Address: 552, 554, and 556 East Main St.

Applicant: Adam Driscoll (Home Leasing, LLC), developer

- Actions:
1. Review application
 2. Public hearing and discussion
 3. Action by the board

1. Review Application

Mr. Harris read the summary of the proposal. Mr. McCarthy reported that the Genesee County Planning Board recommended approval with modifications: go through SHPO process; obtain a driveway permit from the DOT; and, verify the address for the 911 system. Mr. McCarthy noted that those items do not affect the decision-making process for the ZBA.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Cox, and on roll call, was approved 3-0.

RESULT: Public hearing opened at 6:29 pm.

Matt Tomlinson, engineer for the project, spoke about the proposal. He explained that Home Leasing is operating in partnership with Eagle Star Housing, an agency which transitions veterans back into society. He said that a number of units would therefore be reserved for occupancy by veterans. Home Leasing had applied for two variances. Mr. Tomlinson addressed the variance for the elevator first.

Two elevators are required for the project; Home Leasing proposed one. According to Mr. Tomlinson, good data regarding similar situations indicates that one centrally located elevator large enough to accommodate stretchers and to move furniture should be sufficient. He noted that two stair towers provide multiple means of access. Mr. Tomlinson indicated that a second elevator would create a hardship from a budgetary standpoint.

The second variance concerned parking. Mr. Tomlinson said that building only the amount of parking which is necessary is not only more cost efficient, but is also better for the environment and requires less maintenance. According to Mr. Tomlinson, the typical need for parking in a Home Leasing project is 40% of the population [residency], and considering the partnership with Eagle Star, the need is expected to be even less. He noted that on-street parking is available, and there is also bus service. Additionally, Eagle Star provides a van service for transporting veterans.

Mr. Cox said that he has two concerns: there is less than a 1:1 ratio of parking spaces to units and he believes there should be at least one parking space per unit; and, he also believes there should be two elevators.

Jennifer ___, attorney for the project, explained that installing an additional elevator would require sacrificing residential units, rendering the project economically unviable.

Mr. Cox expressed the concern that if there is only one elevator and it is out of service, there may be veterans who are unable to climb the stairs.

Jennifer answered that the elevator would be inspected every year, and Mr. Cox said that machines still break down.

Mr. McCarthy agreed that there is a possibility that the elevator could break down, but said that he did not believe in burdening the project with great expense for a small probability.

City Manager Jason Molino pointed out that NYS building code for this number of units does not require two elevators, and that the City has a fully paid Fire Department available 24/7 to deal with emergencies. He also noted that the Fire Chief has reviewed and approved the plans for the facility.

Mr. Tomlinson added that in the case of a fire, elevator use would not be permitted.

Julie Pacatte, Batavia Development Corp., stated that she has worked with Home Leasing for over a year-and-a-half to put this project together. She noted that from the beginning, Home Leasing wanted a site in Batavia that was walkable. Out of the 55 units in the apartment building, 17 are dedicated veteran units, though it is possible that a greater number of veterans could ultimately reside there.

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Cox, and on roll call, was approved 3-0.

RESULT: Public hearing closed at 6:41 pm.

3. Action by the Board

Mr. Cox asked where the dedicated veteran units are located. Jennifer said that where the veterans choose to live will be a conversation between the veteran and the property manager. She said that any prospective resident, whether veteran or not, will be asked about their preference so that if they want to be on the ground floor, they could exercise that option.

Mr. McCarthy asked if there is an area of the facility designated just to veterans. Jennifer said that there is no one specific area because part of the purpose of Eagle Star is to help veterans re-enter society and community living.

Mr. Cox said that he supports that goal but is still concerned about veterans with mobility issues. He proposed that if Eagle Star could guarantee four fully handicap accessible units on the first floor dedicated to veterans, he would be able to agree to one elevator. Eagle Star consented.

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

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: somewhat
- Adverse effect or impact on neighborhood/community: no
- Self-created: yes

MOTION: Mr. McCarthy moved to approve the variance with the stipulation that **four fully handicap accessible units with preference given to veterans are provided**, with an 18 month time limit to obtain the permit. The motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Approval of Area Variance with above stipulation.

F. Area Variance: construction of a four story mixed use building

Address: *40-52 and 56-70 Ellicott St.*

Applicant: Samuel Savarino (Ellicott Station, LLC), developer

- Actions:
1. Review application
 2. Public hearing and discussion
 3. Action by the board

1. Review Application

Mr. Harris read the summary of the proposal. Mr. McCarthy reported that the Genesee County Planning Board took no action on the proposal.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Public hearing opened at 6:58 pm.

Mr. Hayes, developer for Savarino, described the need for the variance. The building will consist of four floors of residential units above one floor of parking. The residential portion of the project has 51 units, the amount required to meet the very restrictive underwriting limits. To accommodate the 51 units in a limited amount of space, it was necessary to raise the height of the building, for which a variance is needed.

Mr. Hayes stated that the proposed building will be five stories tall and 60' in height. He noted that there is a building in the downtown area which is six stories tall, and that St. Mary's Church, which is in the same neighborhood, is estimated by the Fire Department to be 65-70' in height. According to Mr. Hayes, the City design guidelines basically say that construction in a neighborhood should be in context with other buildings in the immediate surroundings, and this building meets that description.

Mr. Harris asked how many parking spaces will be available on the first floor and Mr. Hayes replied that there would be 45-50. Mr. Hayes said that the number of parking spaces does not exactly match the number of units, but noted that on-site parking will be available nearby. He said that the indoor parking will cost a modest fee.

Julie Pacatte, Batavia Development Corp., spoke on behalf of the proposal. She said that the BDC has been working on the project for two years and is very excited to have the proposed \$18 million investment in this brownfield site. She noted that the project is consistent with

the re-adaptive use called for in the Brownfield Opportunity Area plans, and that there will be approximately 62,000 sq.' of new development at the site as well.

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Cox, and on roll call, was approved 3-0.

RESULT: Public hearing closed at 7:04 pm.

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

- Undesirable change in neighborhood character: no, it will be an improvement
- Alternative cure sought: no
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no, it will be positive
- Self-created: no

3. Action by the Board

MOTION: Mr. Harris moved to approve both of the variances with 12 month to obtain the permit. The motion was seconded by Mr. Cox, and on roll call, was approved 3-0.

RESULT: Approval of Area Variances.

VII. New Business: none

VIII. Setting of Next Meeting: August 24, 2017

IX. Adjournment

Mr. McCarthy moved to adjourn the meeting at 7:06 pm; Mr. Cox seconded. All voted in favor.

Meg Chilano
Bureau of Inspection Secretary

ZONING BOARD OF APPEALS
Draft Minutes
Thursday, August 24, 2017
6:00 pm
Council Board Room
One Batavia City Centre, Batavia, NY

Members present: *Bill Cox, Nick Harris, Deborah Kerr-Rosenbeck, Paul McCarthy*

Members absent: Jim Russell

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 McCarthy declared a quorum.

II. Call to Order

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

III. Pledge of Allegiance

IV. Approval of Minutes

July 27, 2017 minutes will be approved at the next meeting.

V. Zoning Board of Appeals statement

Mr. McCarthy explained the role of the Zoning Board of Appeals and the procedures it follows.

VI. Variance Requests

- A. Area Variance: construction of a shed addition on the south side of the dwelling within the side yard clear space

Address: 2 Verona Ave.

Applicant: James Basham, owner

- Actions:
1. Review application
 2. Public hearing and discussion
 3. Action by the board

1. Review Application

Acting Vice Chair Deborah Kerr-Rosenbeck read the summary of the proposal. Mr. McCarthy reported that the Genesee County Planning Board recommended approval of the proposal with modifications: the shed should be set 3' back from the property line in order to allow for maintenance of the shed and yard.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Cox, and on roll call, was approved 4-0.

RESULT: Public hearing opened at 6:03 pm.

The applicant, Mr. Basham, explained that the shed, which is already in place, was constructed by using the fence as one side, with a roof over the top. If he has to move the shed, he will have to put the fence back up, leaving a gap of 3' which will not grow grass and become muddy. Mr. Basham said that he uses this area to store items that will not fit in his garage, such as the lawn mower and snowmobile, and preserve family space in a small backyard. He brought photos to show the board how the shed has been painted to match the house.

Mr. McCarthy read a letter of complaint regarding the proximity of the shed to the house into the minutes.

Mr. Basham brought a letter of support from an adjacent neighbor, which Mr. McCarthy read into the minutes.

MOTION: Mr. Cox moved to close the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 4-0.

RESULT: Public hearing closed at 6:18 pm.

3. Action by the Board

Mr. McCarthy went through the list of supporting criteria for the variances:

- Undesirable change in neighborhood character: no
- Alternative cure sought: no, not much room in the backyard
- Substantiality: somewhat
- Adverse effect or impact on neighborhood/community: no
- Self-created: yes

MOTION: Ms. Kerr-Rosenbeck moved to approve the variance as submitted, without the modification recommended by the Genesee County Planning Board, with a 60 day time limit to obtain the permit. The motion was seconded by Mr. Harris, and on roll call, was approved 4-0.

RESULT: Approval of Area Variance.

- B. Area Variance: construction of a 5' x 6' pressure treated wood frame deck with stairs and rails at the front entrance of this single family dwelling. A portion of the deck and stairs is proposed to be located within the front yard clear space

Address: *142 Oak St.*

Applicant: Tom Dickes, owner

- Actions:
1. Review application
 2. Public hearing and discussion
 3. Action by the board

1. Review Application

Ms. Kerr-Rosenbeck Harris read the summary of the proposal. Mr. McCarthy reported that the Genesee County Planning Board recommended approval of the request.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Ms. Kerr-Rosenbeck, and on roll call, was approved 4-0.

RESULT: Public hearing opened at 6:23 pm.

The applicant, Mr. Dickes, told the board that a motorist ran into his front steps and pushed them back into the foundation. He explained that the foundation has been repaired and he would now like to replace the concrete steps.

There was no one present who wished to speak, and no calls, letters, or email concerning the proposal.

MOTION: Ms. Kerr-Rosenbeck moved to close the public hearing; the motion was seconded by Mr. McCarthy, and on roll call, was approved 4-0.

RESULT: Public hearing closed at 6:25 pm.

3. Action by the Board

Mr. McCarthy went through the list of supporting criteria for the variances:

- Undesirable change in neighborhood character: no, it will improve it
- Alternative cure sought: no
- Substantiality: no
- Adverse effect or impact on neighborhood/community: no
- Self-created: no

MOTION: Ms. Kerr-Rosenbeck moved to approve the variance, with a 60 day time limit to obtain the permit. The motion was seconded by Mr. McCarthy, and on roll call, was approved 4-0.

RESULT: Approval of Area Variance.

- C. Area Variance: placement of a 6' tall fence parallel to the north property line within 15' of the front property line

Address: *67 Manhattan Ave.*

Applicant: Richard Saunders, owner

- Actions:
1. Review application
 2. Public hearing and discussion
 3. Action by the board

1. Review Application

Ms. Kerr-Rosenbeck read the summary of the proposal.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 4-0.

RESULT: Public hearing opened at 6:27 pm.

Mr. Saunders said that the fence was damaged in the wind storm and it was necessary to replace it.

Mr. Cox asked about the height of the fence and Mr. Saunders replied that it had been 6' tall.

Mr. Saunders explained that he has a pool and he would like the same height fence to be installed in the same place as the one that had been there for the past 29 years. His property is on a corner and the 6' tall fence provides privacy and security for the pool.

There was no one present who wished to speak, and no calls, letters, or email concerning the proposal.

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 4-0.

RESULT: Public hearing closed at 6:28 pm.

3. Action by the Board

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

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: no, just replacing and existing fence
- Adverse effect or impact on neighborhood/community: no
- Self-created: no

MOTION: Mr. McCarthy moved to approve the variance, with 60 days to obtain the permit. The motion was seconded by Mr. Harris, and on roll call, was approved 4-0.

RESULT: Approval of Area Variance.

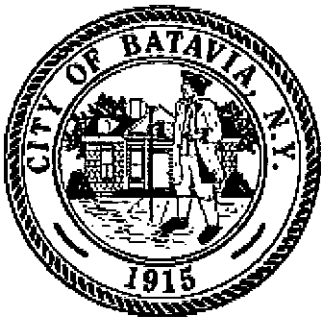
VII. New Business: none

VIII. Setting of Next Meeting: September 28, 2017

IX. Adjournment

Mr. McCarthy moved to adjourn the meeting at 7:00 pm; Mr. Harris seconded. All voted in favor.

Meg Chilano
Bureau of Inspection Secretary



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: 8/23/17

Re: 7 Richmond Ave.
Tax Parcel No. 84.006-4-2

Zoning Use District: R-1A

The applicant, Matt Jolliff (owner), has applied for a permit to widen an existing 10' wide asphalt driveway to 23.5' by removing the existing driveway and placing a new one to match the attached plan.

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) (13).

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 state owned land on which a public building or institution is situated.

City Planning and Development Committee- Pursuant to section 190-49 C. of the zoning ordinance, the Planning and Development Committee shall review and make recommendations to the ZBA for applications that include parking variances.

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. 190-39 E (1) The width of driveways shall not exceed 25% of the lot frontage.

	<u>Permitted</u>	<u>Proposed</u>	<u>Difference</u>
Driveway width	19.2' (25%)	23.5' (30%)	4.3' (5%)

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) Zoning Board of AppealsAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345 - 6347 Ext. _____**2. APPLICANT INFORMATION**Name Matt JoliffAddress 7 Richmond AveCity, State, Zip Batavia, NY 14020Phone (585) 233 - 7134 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 7 Richmond Ave.B. Nearest intersecting road Prospect Ave.C. Tax Map Parcel Number 84.006-4-2

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

E. Present zoning district(s) R-1A**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 190-39 E (1)C. Please describe the nature of this request Approval to widen driveway located in front yard to 30% of lot frontage.**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



**GENESEE COUNTY PLANNING BOARD
ZONING REFERRALS NOTICE OF FINAL
ACTION**

GCDP Referral ID C-25-BAT-9-17
Review Date 9/14/2017

Municipality BATAVIA, C.
Board Name ZONING BOARD OF APPEALS
Applicant's Name Matt Joliff
Referral Type _____
Variance(s) Area Variance(s)
Description: Area Variance to widen a driveway for a single-family home.

Driveway Width
Maximum allowed (25% of lot frontage): 19.2 ft.
Existing: 10 ft. (13%)
Proposed: 23.5 ft. (30%)

Location 7 Richmond Ave., Batavia
Zoning District Residential (R-1A) District

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

Given that neighboring properties exhibit similar size driveways, the proposed variance should pose no significant county-wide or inter-community impact.

Director

September 14, 2017

Date

If the County Planning Board disapproved the proposal, or recommends modifications, the referring agency shall NOT act contrary to the recommendations except by a vote of a majority plus one of all the members and after the adoption of a resolution setting forth the reasons for such contrary action. Within 30 days after the final action the referring agency shall file a report of final action with the County Planning Board. An action taken form is provided for this purpose and may be obtained from the Genesee County Planning Department.



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____

Hearing Date/Time: _____

APPLICANT: MATT SOLLIEFF

Name <u>7 RICHMOND AVE</u>	E-Mail Address <u>585 233 7134</u>
Street Address <u>BATAVIA</u>	Phone <u>NY</u>
City <u>BATAVIA</u>	Fax <u>14020</u>
State <u>NY</u>	Zip <u>14020</u>

STATUS: J Owner Agent for Owner Contractor

OWNER: CAMR

Name <u> </u>	E-Mail Address <u> </u>
Street Address <u> </u>	Phone <u> </u>
City <u> </u>	Fax <u> </u>
State <u> </u>	Zip <u> </u>

LOCATION OF PROPERTY: 7 RICHMOND AVE

DETAILED DESCRIPTION OF REQUEST: MODIFICATION TO EXISTING DRIVEWAY:
INCREASE WIDTH OF DRIVEWAY TO 23.5-FT. MODIFICATION
EXCEEDS 25% FRONT LOT WIDTH ALLOWABLE
OF 19.3 FT. INTENT OF PROJECT IS TO ELIMINATE PORCH
VISITORS & WALKERS TO PARK ON RICHMOND AVE.

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

[Signature]

Date

8/9/17

Owner's Signature

Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.006-4-2 **ZONING DISTRICT:** R-1A **FLOOD PLAIN:** C

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 190-39 E(1) driveways located in
Frontyards may not exceed 25% of the lot frontage in width.

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


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. NO ALTERNATES AVAILABLE

3. **Substantiality.** The requested area variance is not substantial. NO

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.

NO

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. NO - NOT SELF CREATED


Applicant's Signature

8/9/17
Date



Permit No. _____

Date: _____

DRIVEWAY AND PARKING SPACE PERMIT
\$10 fee – Please attach Survey / IllustrationAPPLICANT: MATT JOLLIFFE

Name

E-mail Address

7 RICHMOND AVE585 233 7134

Street Address

Phone

BATAVIANY14020

City

State

Zip

☒ Owner

____ Agent for Owner

____ Contractor

OWNER:

GAMRE

Name

E-mail Address

Street Address

Phone

City

State

Zip

ADDRESS OF PROPERTY: 7 RICHMOND AVE

DIMENSIONS OF EXISTING DRIVEWAY:

Width 10.0 FT Length 65.0 FT

DIMENSIONS OF NEW DRIVEWAY / ADDITION:

Width 23.5 FT Length SAME

SURFACE MATERIAL:

Existing ASPHALT

Proposed

ASPHALT

Applicant's Signature

Date

Owner's Signature

Date

*To be filled out by Zoning Enforcement Officer*TAX PARCEL: 84.006-4-2ZONING DISTRICT: R-1ASURVEY: Yes

DIMENSIONS OF LOT:

Lot Frontage 76.80'

Front Yard

PERCENTAGE OF LOT FRONTAGE: 30%SURFACE MATERIAL: Asphalt

APPROVED: _____

AREA VARIANCE: _____

GRADE PLAN: _____

ISSUING OFFICER: _____

DATE: _____



Private Prop.

ROW

RICHMOND AVE

RICHMOND AVENUE
(132.00' WIDE)

LEGEND:
= P.V.C. FENCE
= UTILITY POLE & O.H.L.
= SUBJECT PROPERTY LINES
= ADJOINERS PROPERTY LINES
= IRON PIN FOUND



MAP OF AN INSTRUMENT SURVEY OF
No. 7 RICHMOND AVENUE

BEING
LOT No. 50 & PART of LOT 49 of the
C.F. PRESCOTT'S AMENDED MAP of the CHADDOCK SUB'D.

SITUATE IN THE
CITY OF BATAVIA

COUNTY OF GENESEE
SCALE 1 INCH = 20 FEET

GROVER & BATES ASSOCIATES
406 WEST SPRUCE STREET
EAST ROCHESTER, NEW YORK
585-381-0021

STATE OF NEW YORK
DATE: MAY 4, 2017

UNAUTHORIZED ALTERATION OR ADDITION TO
A SURVEY MAP BEARING A LICENSED LAND
SURVEYOR'S SEAL IS A VIOLATION OF SECTION
7209, SUBDIVISION 2, OF THE NEW YORK STATE
EDUCATION LAW.

WE, GROVER & BATES ASSOCIATES DO HEREBY CERTIFY TO THE FOLLOWING;
1.

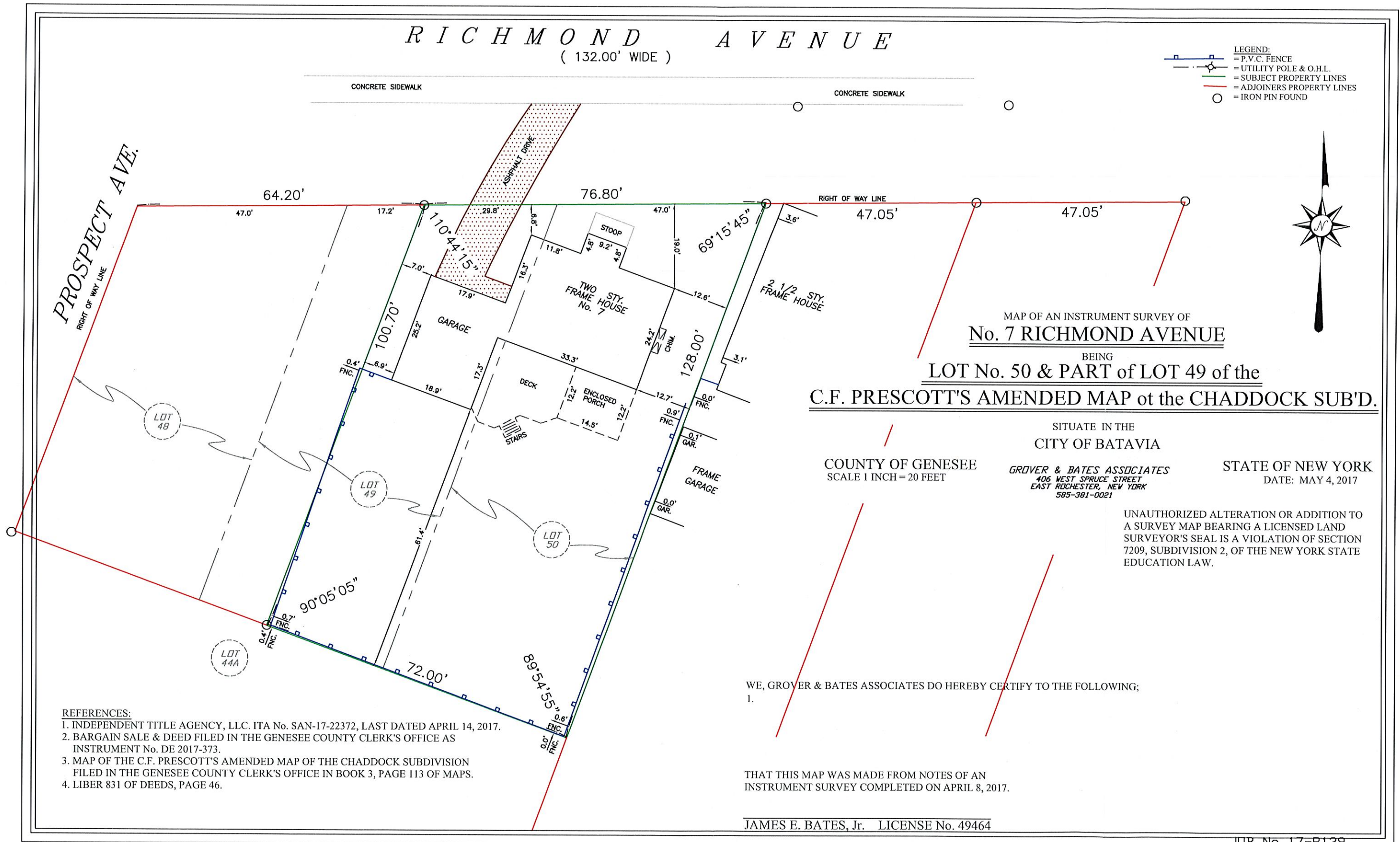
THAT THIS MAP WAS MADE FROM NOTES OF AN
INSTRUMENT SURVEY COMPLETED ON APRIL 8, 2017.

JAMES E. BATES, Jr. LICENSE No. 49464

JUB No. 17-R139

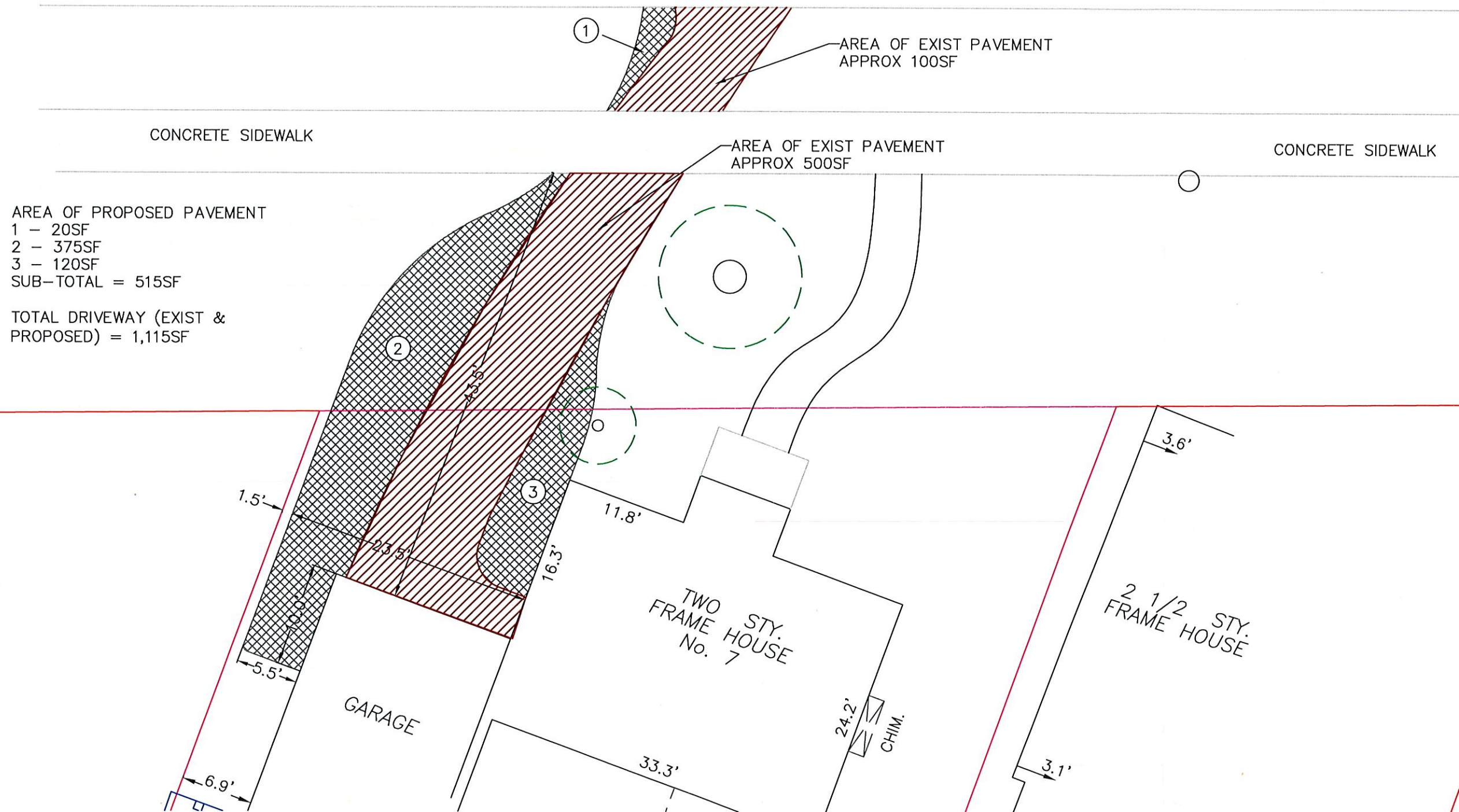
REFERENCES:

1. INDEPENDENT TITLE AGENCY, LLC. ITA No. SAN-17-22372, LAST DATED APRIL 14, 2017.
2. BARGAIN SALE & DEED FILED IN THE GENESEE COUNTY CLERK'S OFFICE AS INSTRUMENT No. DE 2017-373.
3. MAP OF THE C.F. PRESCOTT'S AMENDED MAP OF THE CHADDOCK SUBDIVISION FILED IN THE GENESEE COUNTY CLERK'S OFFICE IN BOOK 3, PAGE 113 OF MAPS.
4. LIBER 831 OF DEEDS, PAGE 46.



1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z



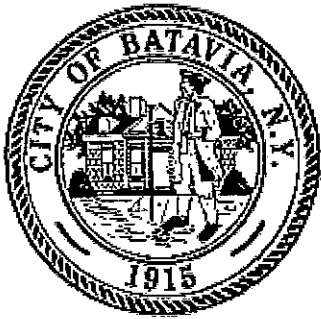
AREA OF PROPOSED PAVEMENT
1 - 20SF
2 - 375SF
3 - 120SF
SUB-TOTAL = 515SF

TOTAL DRIVEWAY (EXIST &
PROPOSED) = 1,115SF

No.	Revision/Issue	Date

Sheet Title: PROPOSED DRIVEWAY IMPROVEMENT
Project Name and Address: SITE AND GARAGE IMPROVEMENTS - 7 RICHMOND AVE
Date: AUGUST 1, 2017
Scale: AS SHOWN

Sheet # of #



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: 8/29/17

Re: 643-645 East Main St. (existing auto repair bays)
Tax Parcel No. 85.013-1-14.21

Zoning Use District: I-1

The applicant, Daniel Mattice for 643 East Main LLC (owner), has applied for a permit to change the use of six automobile repair bays to individual storage units for rent.

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 road or highway.

City Planning and Development Committee- Pursuant to section 190-49 C. Applications for variances that include non-permitted uses shall be referred to the PDC for recommendation prior to ZBA review.

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- Use

- 1) BMC 190-15 A. does not include public storage units as a permitted use within the I-1 industrial use district.

The Zoning Board of Appeals will be the lead agency to conduct 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) INFORMATIONBoard(s) PDC and ZBAAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345-6347 Ext. _____**2. APPLICANT INFORMATION**Name Daniel MatticeAddress 649 East Main St.City, State, Zip Batavia, NY 14020Phone (585) 343-5647 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 643-645 East Main St.B. Nearest intersecting road Cedar St.C. Tax Map Parcel Number 85.013-1-14.21

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

E. Present zoning district(s) I-1**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 190-15 AC. Please describe the nature of this request Approval to change the current use of a portion of a building from automobile repair bays to individual private storage units for rent.**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 drrandall@batavianewyork.com



**GENESEE COUNTY PLANNING BOARD
ZONING REFERRALS NOTICE OF FINAL
ACTION**

GCDP Referral ID C-26-BAT-9-17
Review Date 9/14/2017

Municipality
Board Name
Applicant's Name

BATAVIA, C.
ZONING BOARD OF APPEALS
Daniel Mattice

Referral Type
Variance(s)
Description:

Use Variance
Use Variance to operate a portion of a building as storage units.

Location
Zoning District

649 East Main St. (NYS Rt. 5), Batavia
Industrial (I-1) District

PLANNING BOARD DECISION

DISAPPROVAL

EXPLANATION:

Under the criteria set forth in NYS General City Law, this proposal does not appear to meet the thresholds for the granting of a Use Variance. The parcel was purchased by the applicant with the prohibition in place therefore the hardship appears to be self-created. The applicant should instead approach City Council and ask if such a use could be added to the list of allowed uses in the I-1 district. Under the Law, the applicant must meet all four tests in order for the City's Zoning Board of Appeals to grant the use variance. The board must also consider the effect of the grant of the use variance on the zoning law itself, especially since such a use is not allowed in any part of the City. Possible inappropriate application of use variances may pose significant impacts upon the development policies/processes of the City.

Director

September 14, 2017

Date

If the County Planning Board disapproved the proposal, or recommends modifications, the referring agency shall NOT act contrary to the recommendations except by a vote of a majority plus one of all the members and after the adoption of a resolution setting forth the reasons for such contrary action. Within 30 days after the final action the referring agency shall file a report of final action with the County Planning Board. An action taken form is provided for this purpose and may be obtained from the Genesee County Planning Department.



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____

Hearing Date/Time: _____

APPLICANT: 643 E. MAIN LLC

Name <u>649 E. MAIN ST.</u>	E-Mail Address <u>348-5647</u>	Cell <u>300-7389</u>
Street Address <u>BATAVIA</u>	Phone <u>14020</u>	Fax _____
City <u>NY</u>	State <u>NY</u>	Zip <u>14020</u>

STATUS: ☒ Owner ☐ Agent for Owner ☐ Contractor

OWNER:

Name _____	E-Mail Address _____
Street Address _____	Phone _____
City _____	Zip _____

LOCATION OF PROPERTY: 643-645 E. MAIN ST. BATAVIA

DETAILED DESCRIPTION OF REQUEST: _____

Permit Building to be converted to 6
Storage Units

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.

X 7101 Mcdonald mm
Applicant's Signature

8-25-17
Date

X 7101 Mcdonald mm
Owner's Signature

8-25-17
Date

To be Filled out by Zoning Officer

TAX PARCEL: 85.013-1-14.21 ZONING DISTRICT: I-1 FLOOD PLAIN: No

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 190-15 A. does not include
public storage units as permitted uses within the I-1 Industrial use dist.

DATE: 8-25-17APPLICANT NAME & PHONE: 643 E-MAIN LLC 343 5647
300 7389**Project Location and Information**

Permit #: _____

Fee: _____

Address of Project: 643-645 E-MAIN STOwner & Address: 643 E. MAIN LLC N. Daniel MatticePhone: 585-343-5647**Project Type/Describe Work**Estimated cost of work: 5,000.00Start date: 8/17

Describe project:

Convert 6 Bays of former Auto Repair
Facility to 6 Storage Units**Contractor Information** – Insurance certificates (liability & workers comp) required being on file**GENERAL**Name/Address: Owner N. Daniel Mattice

Phone: _____

PLUMBING (City of Batavia Licensed Plumber Required)Name/Address: N/A

Phone: _____

HEATINGName/Address: N/A

Phone: _____

ELECTRICAL (Third Party Electrical Inspection Required)Name/Address: N/A

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: _____

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
643 E. MAIN LLC							
Name of Action or Project: 643 E. MAIN STORAGE UNITS							
Project Location (describe, and attach a location map): 643-645 EAST MAIN ST. BATAVIA NY.							
Brief Description of Proposed Action: CONVERT 6 GARAGE BAYS TO STORAGE UNITS.							
Name of Applicant or Sponsor: 643 E. MAIN LLC N. David Mathis		Telephone: 343-5647					
		E-Mail:					
Address: 649 EAST MAIN ST.							
City/PO: BATAVIA		State: NY	Zip Code: 14020				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; text-align: center;"> <tr> <th>NO</th> <th>YES</th> </tr> <tr> <td>X</td> <td></td> </tr> </table>	NO	YES	X	
NO	YES						
X							
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; text-align: center;"> <tr> <th>NO</th> <th>YES</th> </tr> <tr> <td>X</td> <td></td> </tr> </table>	NO	YES	X	
NO	YES						
X							
3.a. Total acreage of the site of the proposed action? <u>0.534</u> acres							
b. Total acreage to be physically disturbed? <u>Inside work only</u> acres							
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <u>1.309</u> acres							
4. Check all land uses that occur on, adjoining and near the proposed action.							
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)							
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____							
<input type="checkbox"/> Parkland							

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>		
b. Consistent with the adopted comprehensive plan?		<input checked="" type="checkbox"/>	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>		
b. Are public transportation service(s) available at or near the site of the proposed action?			<input checked="" type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			<input checked="" type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	<input checked="" type="checkbox"/>		
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	<input checked="" type="checkbox"/>		
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	<input checked="" type="checkbox"/>		
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>		
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>		
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	<input checked="" type="checkbox"/>		
16. Is the project site located in the 100 year flood plain?	<input checked="" type="checkbox"/>		
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES _____	<input checked="" type="checkbox"/>		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	X	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	X	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	X	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>N. Q. M. M. M. M.</u> Date: <u>8-25-17</u> Signature: <u>643 E MAIN LLC</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
_____ Name of Lead Agency	_____ Date
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

Use Variance Application

Statement of Unnecessary Hardship

In order for the Zoning Board of Appeals to grant a use variance, an applicant must show documentation in the record that the restrictions of the Zoning Ordinance has caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the Zoning Ordinance for the particular district where the property is located, that all four (4) requirements as per §81-b of the General City Law have been proven. Additional documentation may be included. If any one of these requirements have not been proven, the Zoning Board of Appeals must deny the variance, as per §81-b of the General City Law.

Explain how the request conforms to EACH of the following requirements (additional pages may be attached):

1. **Reasonable Return.** The subject property is not capable of yielding a reasonable rate of return if used for its present use or developed, redeveloped or used for any other use permitted in the district in which such property is located. There is no means other than the granting of the variance by which the property can yield a reasonable return. Such inability to yield a reasonable return must be shown by specific fact (dollars and cents) from an expert or authority in economic deprivation, not the unsupported opinion of the owner or those appearing for the owner.

"The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence"

See Addendum Submission

(Please provide / attach competent financial evidence)

2. **Unique Hardship.** The inability to yield a reasonable return results from a unique circumstance peculiar to the subject property which does not apply to or affect other properties in the immediate vicinity that are subject to the same regulations. The personal situation of the owner shall not be considered unique.

"The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood"

See Addendum Submission

3. **Essential Character of the Neighborhood.** The granting of the variance will not be materially detrimental to the public health, safety, and welfare or injurious to the enjoyment, use or development of neighboring properties or the community. Applicant must demonstrate that the proposed use will not change the essential character of the neighborhood with regard to such physical and environmental elements such as parking, traffic, signage, landscape, architectural and structural features, location and dimensions of buildings, any by-products of proposed use such as noise or smoke, and any other impacts upon adjacent or neighboring lands.

"The requested use variance, if granted, will not alter the essential character of the neighborhood"

See Addendum Submission

4. **Not Self-Created.** The inability to yield a reasonable return is not the result of any action by the owner or predecessors in title. The applicant must show that when the property was purchased the zoning restrictions from which a use variance is now sought were not in existence or that some other change or factor has occurred that has resulted in an inability to yield a reasonable return. Otherwise, the hardship is self-created.

"The alleged hardship has not been self-created"

See Addendum Submission

X N. Al Mado

Applicant's Signature

8-25-17

Date

X N. Al Mado

Provider of Financial Evidence

8-25-17

Date

USE VARIANCE

Statement of Income and Expense

*All Entries Must be Completed and Documented for at Least Two (2) Calendar Years
or From the Date of Purchase Whichever is Less*

PROPERTY ADDRESS: 643-645 E. MAIN ST. BATAVIA N.Y

A. PROPERTY DATA

1. Date property was purchased by current owner Nov. 2016
2. Was a Certificate of Occupancy issued? None except for
Date of Issuance? Flower Shop
If so, for what use(s)? Build out Bathroom
If not, why? _____
3. Cost of Purchase 85,000.00
4. a) Amount of Mortgage N/A Interest Rate _____
Mortgage Holder _____ Duration _____
Address _____
b) Amount of Mortgage _____ Interest Rate _____
Mortgage Holder _____ Duration _____
Address _____
c) Amount of Mortgage _____ Interest Rate _____
Mortgage Holder _____ Duration _____
Address _____
5. Is the property for sale? No
If so, for how long _____
asking price _____
for what use(s) _____
Have any offers been received _____
If so, for what amount(s) _____

Summarize any attempts to sell the property _____

6. Present value of property 125,000.00 +
Source(s) Purchase plus Upgrades

D. TOTAL INVESTMENT

1. Down payment..... Building Paid in full
2. Capital Improvements (attach list) _____
3. Principal Paid to date (original mortgage less
current principal balance)..... _____

TOTAL INVESTMENT
(Sum of D1, D2, & D3) _____

E. RATE OF RETURN = Profit or Loss Negative

TOTAL INVESTMENT _____

N/A Based on
permitted use



Signature of Preparer

Michael A. Del Plazo

Attorney

Profession of Preparer

8/25/17
Date

B. GROSS ANNUAL INCOME [BASED ON PERMITTED USE(S)]

USE	INCOME
1. <u>Service Station</u>	<u>Could not rent as such</u>
2. <u>Junkyard</u>	<u>Unknown</u>
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
TOTAL RENTAL INCOME <u>0</u>	
LESS VACANCY FACTOR <u>0</u>	
(Attach explanation if greater than 8%)	
TOTAL GROSS INCOME <u>0</u>	

C. ANNUAL EXPENSES

1.	<u>Annual Fixed Charges</u>	
	Real Estate Taxes (City & County)	<u>3800.00</u>
	Insurance.....	<u>1200.00</u>
	Average Annual Interest (over next 5 years)	<u>N/A</u>
2.	<u>Operating Expenses</u>	
	Electric.....	<u>1200.00</u>
	Fuel.....	<u>0</u>
	Water.....	<u>0</u>
	Advertising.....	<u>0</u>
	Miscellaneous (attach explanation)	_____
3.	<u>Maintenance Expenses (attach list)</u>	
	Repairs.....	<u>Mostly Completed</u>
	General Building Maintenance.....	<u>1200.00</u>
	Yard and Ground Care.....	_____
	Miscellaneous.....	<u>600.00</u>
TOTAL ANNUAL EXPENSES		<u>6800.00</u>
Profit or Loss		<u>6800.00</u>
		<u>plus Loss on Investment</u>

ADDENDUM SUBMISSION TO CITY OF BATAVIA ZONING BOARD OF APPEALS

RE: 643 EAST MAIN STREET, BATAVIA NEW YORK USE VARIANCE

1. APPLICATION TO ZONING BOARD OF APPEALS;
2. SHORT FORM ENVIRONMENTAL ASSESSMENT;
3. USE VARIANCE APPLICATION AND STATEMENT;
4. SUPPLEMENTAL INFORMATION AND ATTACHMENTS:
 - A. BUILDING PLANS;
 - B. SURVEY MAP OF SUBJECT PARCEL AND ADJOINING PARCELS;
 - C. PHOTOGRAPHS OF SUBJECT PROPERTY, IMMEDIATE AND SURROUNDING AREAS AND STORAGE UNITS NEARBY. ALSO INCLUDED ARE SOME BEFORE AND AFTER PICTURES.

RESPECTFULLY SUBMITTED,
643 E. MAIN, LLC
DANIEL MATTICE, MANAGING MEMBER

Y Daniel Mattice 8-25-17

BACKGROUND

The property known as 643-645 East Main Street consists of two parcels, one, containing the property being considered for variance, has frontage of 90 feet on East Main Street by 255-260 feet depth shown as Parcel 2 on the submitted survey map and second parcel in back of .775 acres shown as Parcel 3 on the same map.

These parcels, together with what is shown as Parcel 1 on the survey were all owned at one time by James G. and Annette M. Mazur. Parcel 2 was the site of Mazur's Auto Service. Parcel 3 was rented out. Parcel 1 was and still is vacant land, still owned by Mazurs.

At some point in the past years, James Mazur separated himself from his wife and the business. Annette Mazur struggled to keep the business operating but had some challenging times and fell behind in the Mortgage.

The Mortgage Holder foreclosed on Parcels 2 and 3. That Bank, Bayview, took title and the property was purchased from the Bank in July 2016 by N. Daniel Mattice through his company Tri-County Welding for \$85,000. The property was conveyed to 643 E. Main St., LLC (a limited liability company owned by N. Daniel Mattice) in November 2106.

At the time of the purchase in 2016 the property was still used as an auto service facility. Annette Mazur discontinued her business in the building in August 2016. The building was quite neglected when Mr. Mattice bought it. He purchased it in part to protect his property next door, the surrounding properties, to have an area to expand his business and store materials and hopefully as an investment.

Significant improvements were made to the property. The roof leaked considerably so a complete new roof was installed. The walls of the building had holes and open in areas so the siding was installed over all masonry. The electric service, insulation and heating were upgraded. Dan estimates he has spent \$40,000 in repairs and upgrades. He also undertook a general clean-up of the area removing hundreds of old tires and about two dumpsters of trash.

The rear parcel (Parcel 3) is rented and in use as an auto repair and storage facility. That property is completely separated and secured by a fence.

Dan Mattice and his wife Joyce tried numerous times to rent the auto repair facility over the past year. They tried word of mouth to potential tenants; placed signs on the property and advertised on Craigs List and the Batavian. There was little or no interest. One or more potential tenants stated that they found the property too big with six bays; there were too many similar facilities vacant and newer and smaller facilities were available.

After attempts to rent the entire facility the Mattices' were able to rent the front office portion to Regina Konarski for a retail flower shop, Anything Your Heart Desires. This is after the acquisition costs, repair and upgrade costs, clean-up, fix up, taxes, insurance, etc. continued to accrue for over one year.

Dan thought it would make sense to develop the six bays into Storage Units to make a practical use of the property. He envisions storage units a little larger than standard. The dimensions will be 12 feet wide by 12 feet high by 23 feet deep. There will be 5 available Storage Units of that size with large overhead doors to accommodate campers, boats on trailers, cars, etc. Most interest he has received to date is from RV and boat owners.

Dan thought this was the best and reasonable use of the property. It does not alter the use or the essential characteristics of the property. When the Mattices' or their tenant checked with Doug Randall about signs for the floral shop they were advised that they would need to upgrade the bathroom in that area to conform to code. They were also advised to pursue a variance to permit use of the remainder of the building as a storage facility since that use is not permitted by the code in any zone.

PROPOSED PLAN

The property is in an I-1 Zone. Storage units are not a permitted use in this Zone or any Zone in the City. A Use Variance is required. See the plans attached.

The plan will be to have the flower shop in the front. There will be five (5) storage units for rental. The general area shown on the plan will be retained by Daniel Mattice to be used to service his vehicles and equipment of Tri-County Welding, Inc. It would also be available for storage of materials, jigs and set up equipment for the welding shop. No noxious or hazardous materials will be stored or permitted.

This appears to be a very low-density and low-traffic re-use of the property.

ANALYSIS

The Batavia Municipal Code, Section 190-49(f) provides grounds for a variance. Specifically, no variance shall be granted by the Board of Appeals unless it finds:

- (1) That the strict application of the provision of this chapter would deprive the applicant of the reasonable use of the land or building for which such variance is sought, that the granting of the variance is necessary for the reasonable use of such property, and that the variance granted by the Board of Appeals is the minimum variance that will accomplish this purpose; and
- (2) That the granting of the variance will be in harmony with the general purpose of this chapter, will not be injurious to the neighborhood, and will not alter the essential character of the locality. In granting a variance the Board of Appeals may prescribe appropriate conditions or safeguards that are necessary or desirable to carry out the requirements of this subsection.
- (3) Use variances.

- (a) The Board of Appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of this chapter, shall have the power to grant use variances, as defined herein.
- (b) No such use variance shall be granted by a Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:
 - [1] The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - [2] The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - [3] The requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - [4] The alleged hardship has not been self-created.

POINT 1
REASONABLE RETURN:

The Applicant has not been able to realize a reasonable return by renting the premises out as a service station or similar use. The adopted plan to use the front as retail would limit the use of the bays that are available. It is not practical to rent them out individually for automobile service and no one has approached the owner with that proposition. In its present configuration, there is not a reasonable return possible by converting to any other use. Residential uses are inappropriate in this area. The building is basically a concrete floor with no utilities or services extended to the area so that it could not be adapted to commercial development. Plus, if commercial use were established in separate units, each would have to have separate bathroom facilities, handicapped accessibilities and all other conformity to commercial code requirements, the cost of which would be prohibitive. It is submitted that the use as a storage facility is going to create a reasonable return based upon the limitations of the property. The only uses permitted in an I-1 would be burdensome and costly. Applicant tried to rent this as a service station without any success. In fact, there is a gas station up the street which has been vacant for quite a while and another service station on the opposite side of the street which has been vacant for a considerable period of time. The only other permitted use would be a junkyard which would not benefit to anyone in the neighborhood.

POINT 2
HARDSHIP IS UNIQUE:

The Applicant has been presented with a unique hardship in that the proposed use is not a permitted use in the Zoning Ordinance without a variance. The hardship does not apply to a substantial portion of the District or neighborhood since the use is not permitted in any Zone in the City. This is an Industrial Zone which includes industrial uses, commercial uses and some residential uses. On the same side of the street as the subject property, this property is surrounded by commercial/industrial uses. There is no other use of the property other than those types and introducing any higher use than that proposed makes no economic or practical sense.

POINT 3
ESSENTIAL CHARACTER OF THE NEIGHBORHOOD:

As set forth above, and as shown by the photographs submitted, the property immediately to the west of the property is an industrial use as a welding supply company and at the rear of that property a business that repairs small motors, lawnmowers, chainsaws, etc. The rear of the property has other similar uses and backs up to the former Eaton Yale and Town Trojan Factory. The back portion of the subject property is a former railroad right of way. Just a few hundred yards up from these premises are similar storage units behind the Triangle Motel. The proposed use is most consistent with the character of the neighborhood and is submitted as a minimal request for variance. The request before this Board would permit the owner to adapt the property into a functional retail and rental use with minimal impact on the neighborhood.

POINT 4
HARDSHIP HAS NOT BEEN SELF-CREATED

The Applicant in good faith undertook to convert the property into retail and storage units. At no point was he aware that storage units would not be permitted. The use is just an extension of the former use where cars were repaired and/or stored inside the facility. The entire area surrounding the building is industrial and commercial. Storage and/or warehousing facilities are on either side of the property and in back of the property and self-storage units are just up the street. The hardship is not self-created as the only two uses in the I-1 zone are impractical under the circumstances and any other use is not permitted. An entrepreneur/investor could only assume that a use similar to what has been in existence would be permitted without a variance and one would further assume that the use contemplated would be permitted in some area in the City without a variance.

FURTHER DISCUSSION

Using the building for six (6) storage uses is not that much different than the historical use of the property and in fact, it reduces the vehicular traffic and density. It is submitted that this is the best use of the property and would provide a reasonable return to the owner.

When considering criteria to be applied in an I-1 Zone under City Code 190.38, the concerns are whether or not the use would affect that area. The intended use has minimum

noise, minimum traffic and has minimum impact. It would produce no odor, smoke, dirt, noxious gas or vibration. It poses minimal fire and safety hazards. There is no industrial or sewage discharge intended. There is no water use, since none of the storage units are equipped with water. There would be no electrical interference since there is only one overhead light in each storage unit. There is no outside storage since all storage is inside the storage units. There is no parking demand or traffic impact for this use.

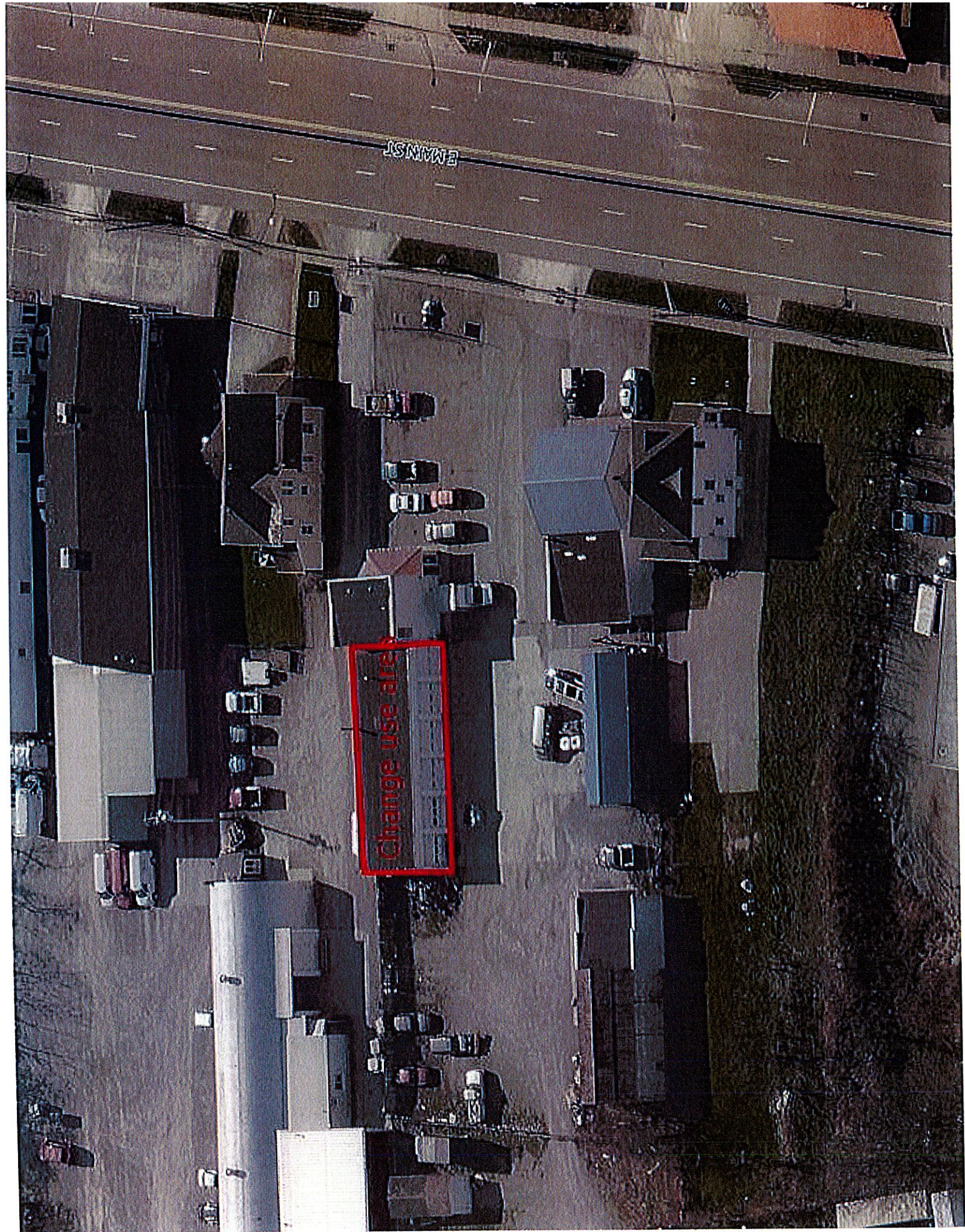
It is respectfully requested that the Board consider this variance. It is fair and equitable to grant the variance to provide relief and it is fully within the spirit of the Zoning Ordinance. A strict application of the code would deprive the owner of the reasonable use of the land and buildings. Insistence on the only two permitted uses would be detrimental to all surrounding properties. The variance requested is a minimum change and also is beneficial to the neighborhood. It will be in harmony with the code and the neighborhood. It will not alter the essential character of the area and can only improve it.

The information developed in this analysis has been developed in conjunction with Daniel Mattice the owner, Joyce Mattice his wife, and Michael A. DelPlato and Peter M. Casey, attorneys who worked on the application on behalf of the owner.

Thank you for your kind consideration.

643 E. Main LLC

 8-25-17
N. Daniel Mattice, Managing Member



643 PARKING LOT



643 PARKING LOT



HAUN WELDING
641 E MAIN



NORTHSIDE SAW + TOOL
641 E MAIN



Why concrete



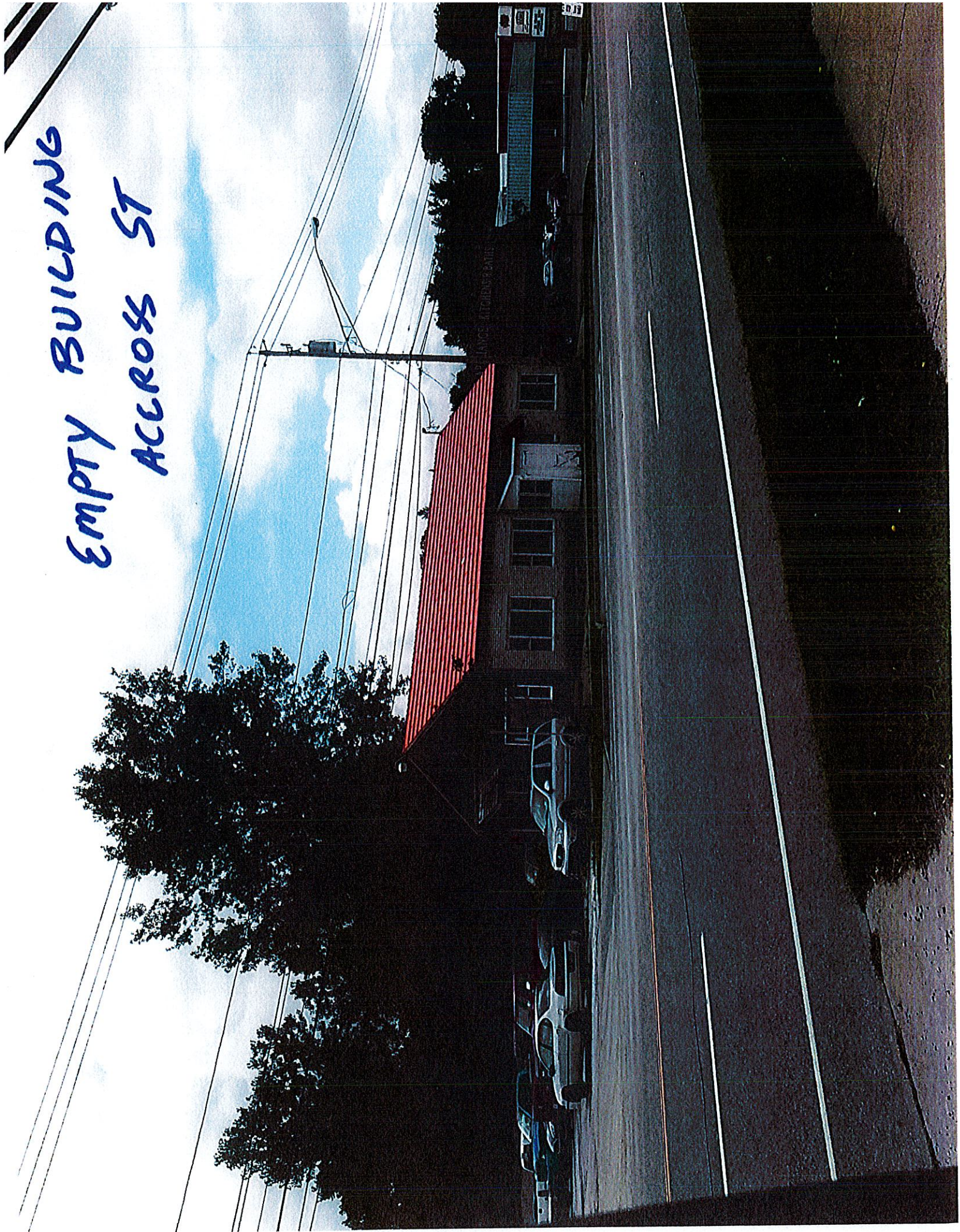
WNY CONCRETE
638 E MAIN ST



EMPTY GAS STATION
629 E MAIN



EMPTY BUILDING
ACROSS ST





MINI STORAGE
627 E MAIN

MINI STORAGE + MOTEL
627 E MAIN



Subject Property Photo[Print](#) this page

Address: 643-645 EAST MAIN ST

SBL: 85.013-1-14.21

*Before*



© WNYREIS


BEFORE



© WNYREIS

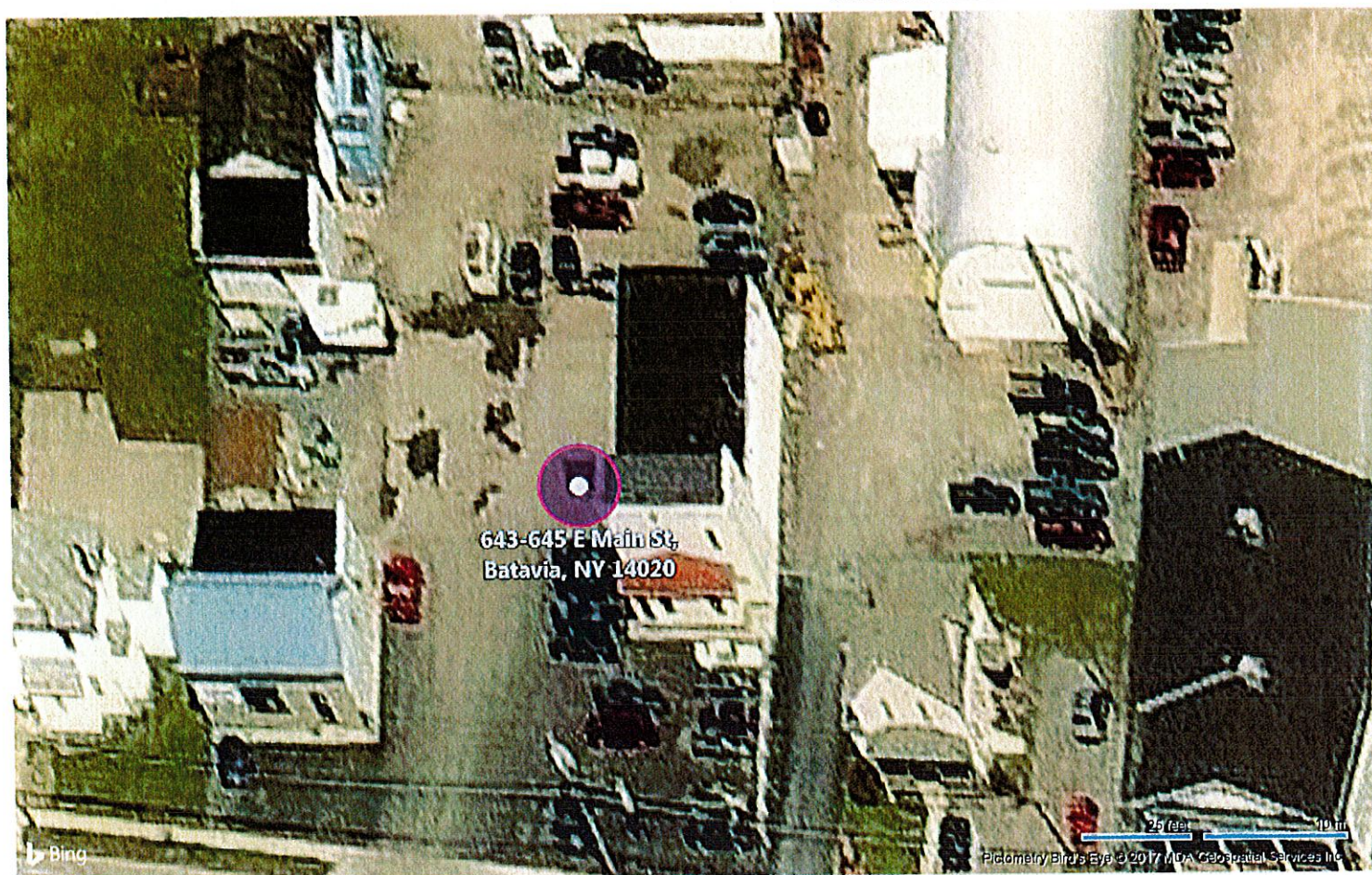
BEFORE

Subject Property Photo[Print](#) this page**Address: 643-645 EAST MAIN ST****SBL: 85.013-1-14.21***Before*

 bing maps

643-645 E Main St, Batavia, NY 14020

Type your notes here.

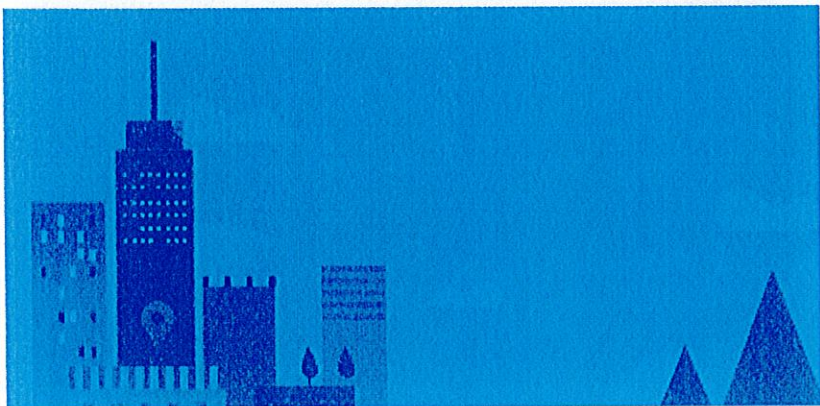


Before

Google Maps 645 E Main St



Imagery ©2017 Google, Map data ©2017 Google United States 50 ft



645 E Main St
Batavia, NY 14020

643 E MAIN
after



643 E main
after



643 E MAIN
after



643 E MAIN

after





This particular referenced action is not subject to Genesee County Health Department review under New York State Public Health Law Article 11 Title II

Signature Randy Gentry
Date 4/23/09

Tax Map No. 85.13-1-10.1

R/O BRADY, KEVIN P.
LIBER 466, PAGE 177
Tax Map No. 85.13-1-11

R/O AA & L ASSOCIATES, L.P.
LIBER 667, PAGE 232
Tax Map No. 85.13-1-12

R/O OGIBENE LLC
LIBER 853, PAGE 64
Tax Map No. 85.13-1-13

R/O JOHNSON, MARK S.
LIBER 856, PAGE 591
Tax Map No. 85.13-1-14.1

DAVID S. LAMENDOLA
GREGORY W. TOWNSEND
Licensed Land Surveyors
435 East Main Street
Batavia, New York 14020
Phone (585) 344-1331
Fax (585) 343-2691

LEGEND
● EXISTING IRON PIN
○ SET IRON PIN

REFERENCES
SURVEY MAP NO. 00-187 BY DAVID S. LAMENDOLA, L.S., RESURVEYED DECEMBER 29, 2003
SURVEY MAP NO. 06-59 BY GREGORY W. TOWNSEND, L.S., LAST DATED AUGUST 16, 2006
SURVEY MAP NO. B-3359 BY MCINTOSH & MCINTOSH, L.S., DATED APRIL 16, 1973
SURVEY MAP NO. 6609 BY PARRONE ENGINEERING, L.S., REVISED OCTOBER 16, 2008

NOTES:
- PARCEL 1 IS PART OF LAND CONVEYED TO AA & L ASSOCIATES, L.P., AT LIBER 667 OF DEEDS, PAGE 232
- PARCELS 2 AND 3 ARE PART OF LAND CONVEYED TO JAMES G. AND ANNETTE M. MAZUR AT LIBER 522 OF DEEDS, PAGE 332
- PARCEL 1 IS PART OF TAX MAP NO. 85.13-1-12
- PARCELS 2 AND 3 ARE PART OF TAX MAP NO. 85.13-1-14.2
- PARCELS 1 AND 3 ARE TO BE COMBINED TO FORM A SINGLE PARCEL

R/O 649 EAST MAIN STREET, LLC
LIBER 834, PAGE 405
Tax Map No. 85.13-1-16.1

REAL PROPERTY TAX SERVICES

DATE April 28, 2009

APPROVED BY Ellen Southwell

I HEREBY CERTIFY THAT THIS LAND SEPARATION WAS PREPARED BY ME, AND WAS MADE FROM AN ACTUAL SURVEY COMPLETED BY ME ON APRIL 25, 2008 AND REFERENCES LISTED HEREON.

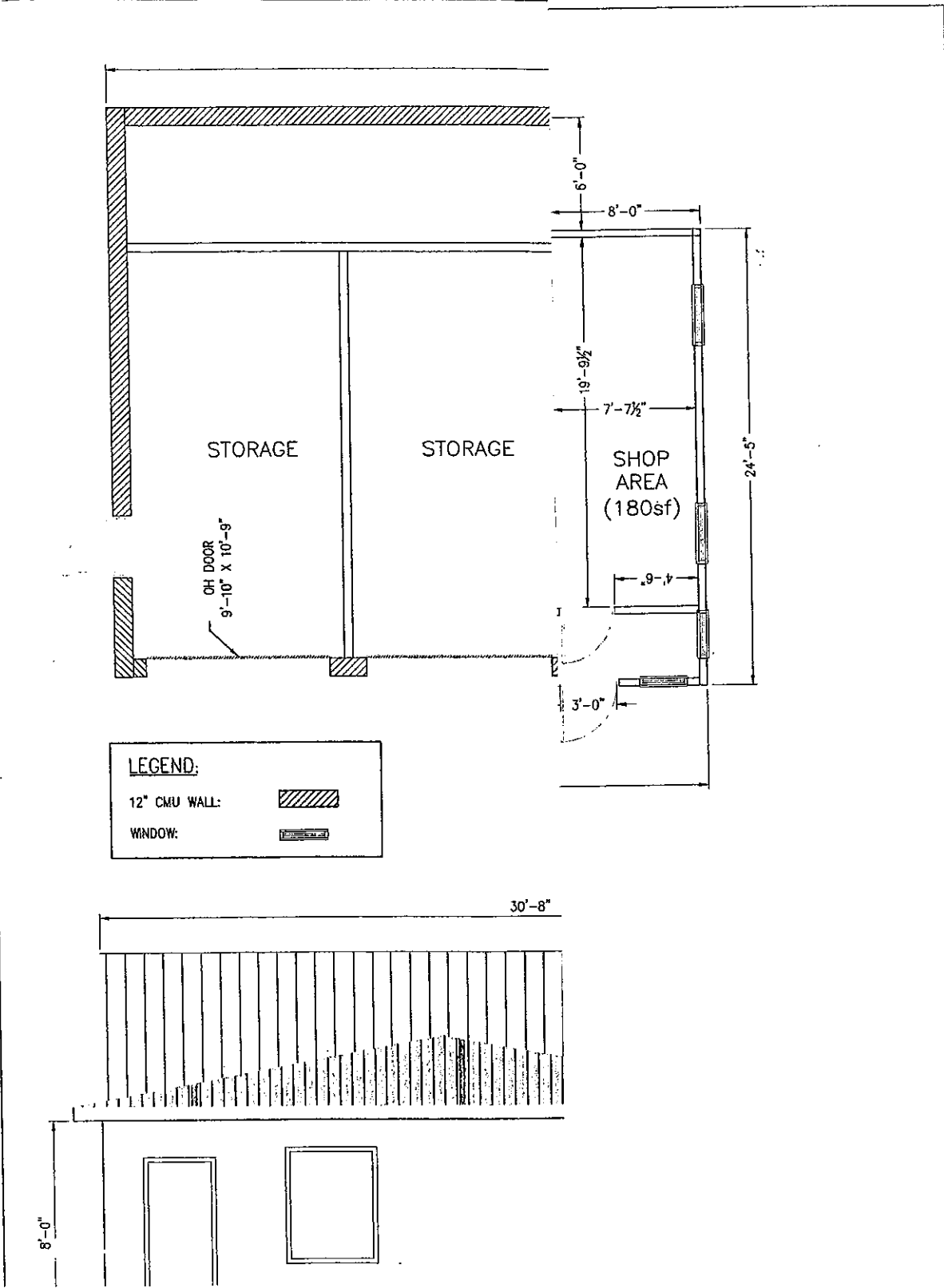
BOUNDARY SURVEY SHOWING THE SEPARATION OF LANDS OF AA & L ASSOCIATES, L.P. AND JAMES G. AND ANNETTE M. MAZUR, BEING PART OF LOTS NOS. 10 AND 12, SECTION 8, TOWNSHIP 12, RANGE 1 OF THE HOLLAND LAND COMPANY'S SURVEY. SITUATE IN THE CITY OF BATAVIA, COUNTY OF GENESEE AND

"UNAUTHORIZED ALTERATION OR ADDITIONS TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW."

"ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES."

"CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATION SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS/HER BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATION ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS."

APPROVED BY CITY OF BATAVIA PLANNING BOARD

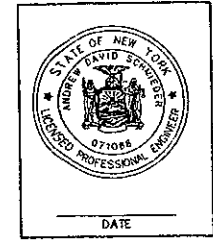


TING LAYOUT/ELEVATION

FLORIST SHOP
CITY OF BATAVIA, NY

REGINA KENARSKI
BATAVIA, NY

ANDREW SCHMIEDER, PE
11142 ALEXANDER ROAD, ATTICA, NY
(585) 297-3552



UNAUTHORIZED ALTERATION OR ADDITION TO THIS DRAWING IS A VIOLATION OF NEW YORK STATE EDUCATION LAW ARTICLE 142, SECTION 7409		
3		
2		
1		
NO.	DATE:	DESCRIPTION
		REVISIONS

COUNTY PLANNING BOARD RECOMMENDATIONS

AS PER THEIR MEETING OF THURSDAY, MARCH 13, 1997

AGENDA ITEM NO. 4 430 EAST MAIN STREET DISAPPROVAL

COMMENTS:

DISAPPROVAL - Given the significant deficiency in off-street parking, the applicant's failure to develop proposals to adequately supplement their off-street parking as requested by this Board at its last meeting and the concerns raised by neighboring property owners, this proposal may pose adverse impacts upon surrounding land uses and traffic circulation. While the applicant has indicated they would like to secure a shared off-street parking arrangement with Cooperative Extension, they have not yet developed such an agreement even though it appears Cooperative Extension is willing to do so. A neighboring property owner has also raised a valid concern about the applicant's proposed use of a shared driveway as a second means of accessing their parking area. It is the opinion of this Board that the modifications currently under discussion should be completely resolved prior to any further action being taken on this proposal. It will be easier to make the necessary changes now on paper, rather than try to resolve problems later on. It is suggested the applicant address the issues raised, revise their proposal accordingly and then resubmit it for review.

AGENDA ITEM NO. 5 136 WEST MAIN STREET APPROVAL WITH MODIFICATIONS

COMMENTS:

The required modification is that a minimum open space of 4 feet be maintained between the proposed new freezer/cooler unit and the fence to the east as recommended by the City Fire Dept. With this required modification, this proposal should not pose significant adverse impacts upon surrounding land uses. It is recommended the City also determine if any additional screening or noise mitigation measures should be provided for the benefit of the land use to the east.

AGENDA ITEM NO. 6 625-627 EAST MAIN STREET APPROVAL

COMMENTS:

Given the type of neighboring land uses, this proposal should not pose adverse impacts upon surrounding land uses. It is recommended the City consider requiring the applicant to (1) provide access to this proposed use through his motel/apartment use rather than by adding another driveway to Rt. 5 where the former railroad tracks crossed and (2) consider joining the two parcels together.

Planning Board
City of Batavia
March 19, 1997

Present: Chairperson Dan McJury, Lee Allyn, Paul Monachino and Brian Daviau

Absent: Ann McCulloch and Charles Riedmiller

Others present: Edward Flynn, Director of Community Development , Jeffrey Oshlag, Martin Caulkins, Charles Pero, Dr. Joseph Canzoneri and James Roach

Meeting called to order at 7:04 p.m.

1. Approval of Minutes - February 19, 1997

Motion by Mr. Monachino to approve the minutes as submitted, second by Mr. Allyn. All in favor. Motion carried.

2. Address: 430 East Main Street - GCASA

Applicant: GCASA - Sharon McWethy & David Flowers

Action: Parking Variance - Recommendation to Zoning Board of Appeals

Motion by Mr. Allyn to remove the application from the table, second by Mr. Daviau. All in favor. Motion carried.

Motion by Mr. Allyn to recommend to the Zoning Board of Appeals disapproval of the application, second by Mr. Monachino. All in favor. Motion carried.

3. Address: 625 East Main Street - Triangle Liquors/Motel

Applicant: Charles Pero

Action: Use Variance for mini-storage units - Recommendation to Zoning Board of Appeals

Motion by Mr. Daviau to approve the final subdivision, second by Mr. Allyn. All in favor. Motion carried.

Motion by Mr. Monachino to recommend to the Zoning Board of Appeals approval of the Use Variance, second by Mr. Daviau. All in favor. Motion carried.

4. Address: 2 State Street

Applicant: Dr. Joseph Canzoneri

Action: Final Minor Subdivision

Motion by Mr. Allyn to approve the Final Minor Subdivision, second by Mr. Monachino. All in favor. Motion carried.

Motion carried.

Motion by Mr. Krolikowski that the action of the Zoning Officer be set aside to grant the variance under Section 1 and 2 of Paragraph 30.95 because the freezer will be more efficient and will open to the inside of the building, second by Mr. Gerace. All in favor. Motion carried.

5. **Address:** 625-627 East Main Street
 Applicant: Charles Pero
 Action(s): a. SEQRA Review
 b. Use Variance - Construction of Mini-Storage Units

Motion by Mr. Gerace to declare a negative declaration, second by Parise. All in favor. Motion carried.

Motion by Mr. Gerace that the action of the Zoning Officer be set aside to grant the variance under Section 1 and 2 of Paragraph 30.95 with one access driveway. This project has no adverse impacts and is consistent with the Master Plan as adopted, second by Mr. Parise. All in favor. Motion carried.

6. **Address:** 21 Holland Avenue
 Applicant: David Coffey, Owner
 Action(s): a. SEQRA Review
 b. Area Variance - Front Yard Parking

Motion by Mr. Gerace to declare a negative declaration, second by Mr. Parise. All in favor. Motion carried.

Motion by Mrs. Pierce that the action of the Zoning Officer be set aside to grant the variance under Section 1 and 2 of Paragraph 30.95 with the conditions that appropriate and reasonable landscaping/screening as recommended by the City's arborist and/or Department of Public Works be installed and until such time as congruate parking becomes available in the area (the request will be re-evaluated at such time). Second by Mr. Parise. Yes- Mr. Gerace, Mr. Parise, Mrs. Pierce and Mr. Finnell. No- Mr. Krolikowski. Motion carried 4-1.

Motion by Mr. Parise to adjourn, second by Mr. Krolikowski. All in favor. Motion carried. Meeting adjourned at 8:38 p.m.

Respectfully submitted,



Kathleen A. Saville
Recording Secretary