

ZONING BOARD OF APPEALS

Thursday, June 25, 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 May 28, 2015 minutes
- V. Statement about the role of the Zoning Board of Appeals and the procedure it follows
- VI. Variance Requests

A. Request #1 *23 Seneca Avenue*
George Mirrione, owner

Area Variance: Widen an existing 11.41' wide asphalt driveway to 23.31'
by placing a 12' wide stone addition to the north side of the
existing driveway

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

B. Request #2 *17 Maple Street*
Timothy L. Corcoran, owner

Area Variance: Widen an existing 10' wide stone driveway by placing 13'
of stone to the east side of the existing driveway

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

C. Request #3 *311-313 West Main Street (rear building)*
Tony Mattiaccio, President/CEO of Monroe County
Automotive Services Inc., prospective occupant

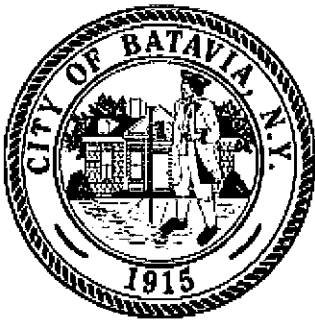
Special Use Permit: Change use of rear building on this parcel to establish the
use of auto detailing, protection and accessories that

include washing, waxing and shampoo, undercoating, sprayed on bed-lining, remote car starters, window tinting, vehicle graphics and films, truck accessories, such as tube steps and tonneau covers. This use by definition [BMC 190-3] is classified as a “Public Garage”-A building or part thereof used for the storage, hiring, selling, greasing, washing, servicing, or repair of motor vehicles, operated for gain

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

VII. Setting of Next Meeting: July 23, 2015

VIII. Adjournment



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: Planning and Development Committee
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 4/20/15

Re: 17 Maple St.
Tax Parcel No. 84.015-2-4

Zoning Use District: R-3

The applicant, Timothy L. Corcoran (owner), has applied for a permit to widen an existing 10' wide stone driveway by placing 13' of stone to the east side of the existing driveway.

Review and Approval Procedures:

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

- 1) **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	10.62' (25%)	23' (54%)	12.38' (29%)

The ZBA will be the lead agency to conduct SEQR.

15-04



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____

Hearing Date/Time: _____

APPLICANT: TIMOTHY L. CORCORAN
Name _____ E-Mail Address _____
17 MAPLE ST.
Street Address _____
BATAVIA N.Y. 14020 (716) 474-4142
City State Phone Fax
Zip

STATUS: ☒ Owner _____ Agent for Owner _____ Contractor _____

OWNER: TIMOTHY L. CORCORAN
Name _____ E-Mail Address _____
17 MAPLE ST. (716) 474-4142
Street Address Phone Fax
BATAVIA N.Y. 14020
City State Zip

LOCATION OF PROPERTY: 17 MAPLE ST. BATAVIA N.Y. 14020

DETAILED DESCRIPTION OF REQUEST: Wider width of driveway from
10 FT to 23 FT for use as off-street parking. The
Driveway will be widened for the first 21 FT in
length.

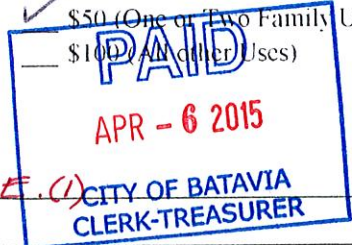
Applicant must be present at the hearing date. Failure to do so will result in the application being discarded. It is the responsibility of the applicant to present evidence sufficient to satisfy the Zoning Board of Appeals that the benefit of the applicant does not outweigh the health, safety, morals, aesthetics and general welfare of the community or neighborhood.

Timothy Corcoran 4/6/15
Applicant's Signature Date
Timothy Corcoran 4/6/15
Owner's Signature Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.015-2-4 ZONING DISTRICT: R-3 FLOOD PLAIN: NA

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 F.(1)



Criteria to Support Area Variance

In making its determination, the zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, moral, aesthetics and welfare of the neighborhood or community. The Zoning Board of Appeals shall consider the following test, as per §81-b of the General City Law when making its determination:

Explain how the proposal conforms to EACH of the following requirements:

1. **Undesirable Change in neighborhood Character.** The granting of the variance will not produce an undesirable change in the neighborhood or a detriment to nearby properties.
The variance would not interfere in with other properties.
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.
The only available property is area requested
3. **Substantiality.** The requested area variance is not substantial.
Only the necessary area to park a vehicle is being requested
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.
Requests would match identical requests on street that were approved.
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.
Condition has existed for many years (1923) this condition results in constant impingement/trespass as well as access issues

Lincoln J. Courman
Applicant's Signature

4/6/15
Date



Permit No. _____

Date: _____

DRIVEWAY AND PARKING SPACE PERMIT
\$10 fee – Please attach Survey / IllustrationAPPLICANT: TIMOTHY CORCORAN
Name _____ E-mail Address _____17 MAPLE ST
Street Address _____ Phone _____BATAVIA N.Y. 14020
City _____ State _____ Zip _____X Owner _____ Agent for Owner _____ Contractor _____OWNER: TIM CORCORAN
Name _____ E-mail Address __________
Street Address _____ Phone __________
City _____ State _____ Zip _____ADDRESS OF PROPERTY: 17 MAPLE ST. BATAVIA N.Y.DIMENSIONS OF EXISTING DRIVEWAY: Width 10' Length 75'DIMENSIONS OF NEW DRIVEWAY / ADDITION: Width 13' Length 21'SURFACE MATERIAL: Existing STONE Total new width 23' Proposed STONEApplicant's Signature _____ Date 3/27/15

Owner's Signature _____ Date _____

To be filled out by Zoning Enforcement Officer

TAX PARCEL: 84.015-2-4 ZONING DISTRICT: R-3 SURVEY: YesDIMENSIONS OF LOT: Lot Frontage 42.50' Front Yard _____PERCENTAGE OF LOT FRONTAGE: 54% @ 23' SURFACE MATERIAL: StoneAPPROVED: _____ AREA VARIANCE: Yes GRADE PLAN: _____

ISSUING OFFICER: _____ DATE: _____

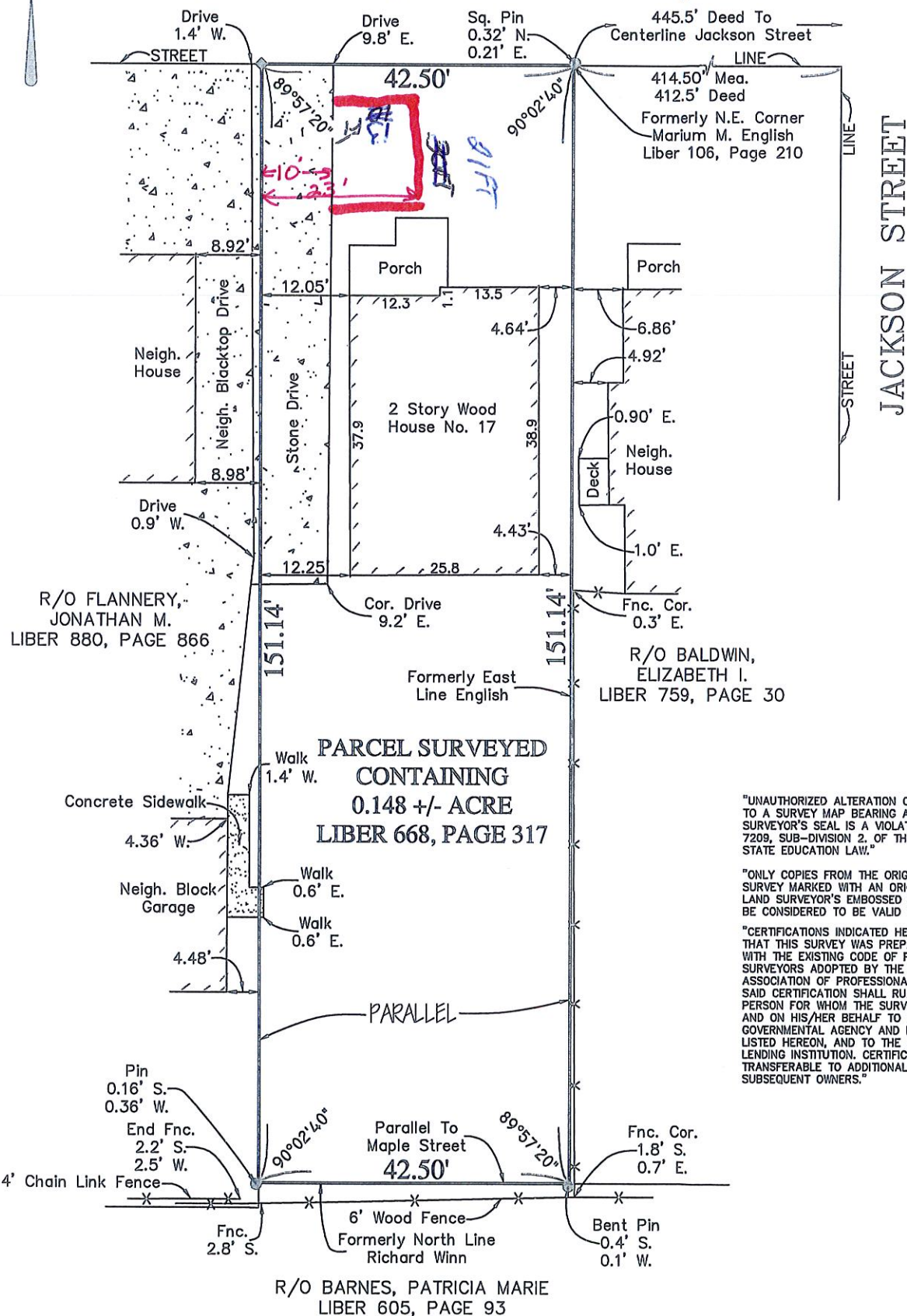
10.62' permitted.
23' Proposed.
12.38' over. (2BA req.)





DAVID S. LAMENDOLA
GREGORY W. TOWNSEND
Licensed Land Surveyors
435 East Main Street
Batavia, New York 14020
Phone (585) 344-1331
Fax (585) 219-4313

MAPLE STREET (49.5' R.O.W.) (Formerly Hill Street)



"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."

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							
Name of Action or Project: <i>Creation of off-street parking spot</i>							
Project Location (describe, and attach a location map): <i>17 MAPLE ST. BATAVIA NY. 14020</i>							
Brief Description of Proposed Action: <i>create a parking spot of crushed stone for use as an off street parking area for 1 vehicle</i>							
Name of Applicant or Sponsor: <i>TIM CORCORAN</i>		Telephone: <i>616 474-4142</i>					
		E-Mail:					
Address: <i>17 MAPLE ST.</i>							
City/PO: <i>BATAVIA NY. 14020</i>		State: <i>NY</i>	Zip Code: <i>14020</i>				
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><td>NO</td><td>YES</td></tr><tr><td><i>X</i></td><td></td></tr></table>	NO	YES	<i>X</i>	
NO	YES						
<i>X</i>							
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><td>NO</td><td>YES</td></tr><tr><td><i>X</i></td><td></td></tr></table>	NO	YES	<i>X</i>	
NO	YES						
<i>X</i>							
3.a. Total acreage of the site of the proposed action?							
b. Total acreage to be physically disturbed? <i>~ 3/4</i> acres							
c. Total acreage (project site and any contiguous properties) owned <i>10 FT X 30 FT</i> acres							
or controlled by the applicant or project sponsor? <i>ALL</i> 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 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							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
b. Consistent with the adopted comprehensive plan?			
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation service(s) available at or near the site of the proposed action?			
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			
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: _____	NO	YES	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>NOT NEEDED</u>	NO	YES	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
b. Is the proposed action located in an archeological sensitive area?			
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?	NO	YES	
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: _____			
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?	NO	YES	
16. Is the project site located in the 100 year flood plain?	NO	YES	
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 type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	

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
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
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

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Timothy L. Concoran Date: 4/6/15

Signature: _____

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: <ul style="list-style-type: none"> 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.

- ☐ 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.
- ☐ 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

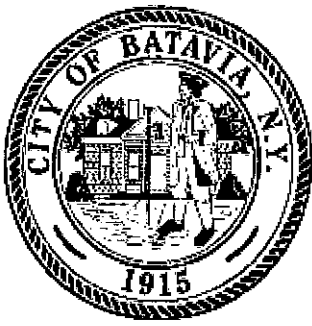
Date

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)



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: Planning and Development Committee
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 12/12/14

Re: 23 Seneca St.
Tax Parcel No. 84.034-3-46

Zoning Use District: R-2

The applicant, George Mirrione (owner), has applied for a permit to widen an existing 11.41' wide asphalt driveway to 23.41' by placing a 12' wide stone addition to the north side of the existing driveway.

Review and Approval Procedures:

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

- 1) **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	14.20' (25%)	23.41' (41%)	9.21' (16%)

The ZBA will be the lead agency to conduct SEQR.

15-05



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____

Hearing Date/Time: _____

APPLICANT: George F. & Michelle R. Mirrione creativity29@yahoo.com

Name 23 Seneca Ave. E-Mail Address (585) 409-6733

Street Address _____ Phone _____ Fax _____

Batavia, NY 14020

City _____ State _____ Zip _____

STATUS: ☒ Owner _____ Agent for Owner _____ Contractor _____

OWNER: George F. & Michelle R. Mirrione creativity29@yahoo.com

Name 23 Seneca Ave. E-Mail Address (585) 409-6733

Street Address _____ Phone _____ Fax _____

Batavia, NY 14020

City _____ State _____ Zip _____

LOCATION OF PROPERTY: 23 Seneca Ave., Batavia, NY 14020

DETAILED DESCRIPTION OF REQUEST: Placement of a gravel driveway (12' wide x 35.14' length) adjacent to existing driveway.

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.

George Mirrione
Applicant's Signature

12/10/14
Date

George Mirrione
Owner's Signature

12/10/14
Date



To be Filled out by Zoning Officer

TAX PARCEL: 84.034-3-46 ZONING DISTRICT: R-2

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) The width of driveways located in front yards shall not exceed 25% the lot frontage.

Criteria to Support Area Variance

In making its determination, the zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, moral, aesthetics and welfare of the neighborhood or community. The Zoning Board of Appeals shall consider the following test, as per §81-b of the General City Law when making its determination:

Explain how the proposal conforms to EACH of the following requirements:

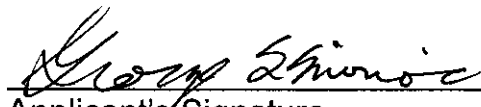
1. **Undesirable Change in neighborhood Character.** The granting of the variance will not produce an undesirable change in the neighborhood or a detriment to nearby properties.
The driveway will have a 4' buffer between it and the neighbors property line.

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.
The driveway will provide additional parking for family.

3. **Substantiality.** The requested area variance is not substantial.
The driveway would be 12' wide x 35.14' length.

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 driveway will provide additional parking for family

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.
The driveway will provide additional parking for family


Applicant's Signature

12/10/14
Date



Permit No. _____

Date: _____

DRIVEWAY AND PARKING SPACE PERMIT
\$10 fee – Please attach Survey / Illustration

APPLICANT: George F. Mirrione creativity29@yahoo.com
Name E-mail Address
23 Seneca Ave. 409-6733
Street Address Phone
Batavia, NY 14020
City State Zip
☒ Owner ☐ Agent for Owner ☐ Contractor

OWNER: George F. Mirrione creativity29@yahoo.com
Name E-mail Address
23 Seneca Ave. 409-6733
Street Address Phone
Batavia, NY 14020
City State Zip

ADDRESS OF PROPERTY: 23 Seneca Ave., Batavia, NY 14020

DIMENSIONS OF EXISTING DRIVEWAY: Width 11.41' Length 35.14'

DIMENSIONS OF NEW DRIVEWAY / ADDITION: Width 12' Length 35.14'

SURFACE MATERIAL: Existing grass Proposed gravel

George F. Mirrione
Applicant's Signature

10/30/14
Date

George F. Mirrione
Owner's Signature

10/30/14
Date

To be filled out by Zoning Enforcement Officer

TAX PARCEL: _____ **ZONING DISTRICT:** _____ **SURVEY:** _____

DIMENSIONS OF LOT: Lot Frontage _____ Front Yard _____

PERCENTAGE OF LOT FRONTAGE: _____ **SURFACE MATERIAL:** _____

APPROVED: _____ **AREA VARIANCE:** _____ **GRADE PLAN:** _____

ISSUING OFFICER: _____ **DATE:** _____

14.20' permitted
23.41' Proposed
9.21' over
2.BA.ny

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			
Name of Action or Project: <i>Addition to existing driveway for 23 Seneca Ave., Batavia, NY 14020</i>			
Project Location (describe, and attach a location map): <i>23 Seneca Ave., Batavia, NY 14020</i>			
Brief Description of Proposed Action: <i>Placement of a gravel driveway (12' wide x 35.14' length) adjacent to existing driveway</i>			
Name of Applicant or Sponsor: <i>George F. & Michelle R. Mirrione</i>		Telephone: <i>(585) 409-6733</i> E-Mail: <i>creativity29@yahoo.com</i>	
Address: <i>23 Seneca Ave., NY ¹⁴⁰²⁰</i>			
City/PO: <i>BATAVIA</i>		State: <i>NY</i>	Zip Code: <i>14020</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
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.		<i>X</i>	
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:		<i>X</i>	
3.a. Total acreage of the site of the proposed action?		_____ acres	
b. Total acreage to be physically disturbed?		_____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 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 type="checkbox"/> Industrial <input 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			

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>George F. Mirrione</u> Date: <u>12/10/14</u> Signature: <u>George F. Mirrione</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?	X	
2. Will the proposed action result in a change in the use or intensity of use of land?	X	
3. Will the proposed action impair the character or quality of the existing community?	X	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	X	
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?	X	
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?	X	
7. Will the proposed action impact existing: a. public / private water supplies?	X	
b. public / private wastewater treatment utilities?	X	
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	X	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	X	

SENECA AVENUE (R.O.W. VARIES)



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

LEGEND
●EXISTING IRON STAKE
○SET IRON PIN

REFERENCES
MAHANEY AND SNELL SUBDIVISION FILED AT BOOK
1 OF MAPS, PAGE 48
SURVEY MAP NO. 14-134 BY GREGORY W. TOWNSEND,
L.S., LAST DATED MAY 22, 2014

NOTES:
* The parcel surveyed is part of land conveyed to
the Ray and Marilyn Colantonio Living Trust at
Liber 621 of Deeds, page 60
* The parcel surveyed is part of Tax Map No.
84.34-3-47
* The parcel surveyed is to be merged with Tax
Map No. 84.34-3-46

REAL PROPERTY TAX SERVICES

DATE _____

APPROVED BY _____

APPROVED BY CITY OF BATAVIA PLANNING BOARD

CHAIRMAN _____

DATE _____

APPROVED BY CITY OF BATAVIA ENGINEERS

ENGINEER _____

DATE _____

FILED IN GENESEE COUNTY CLERK'S OFFICE AS:

MAP No. _____, SLIDE No. _____,

CABINET No. _____

COUNTY CLERK _____

DATE _____

DAVID S. LAMENDOLA
GREGORY W. TOWNSEND
Licensed Land Surveyors
435 East Main Street
Batavia, New York 14020
Phone (585) 344-1331
Fax (585) 219-4313

"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."

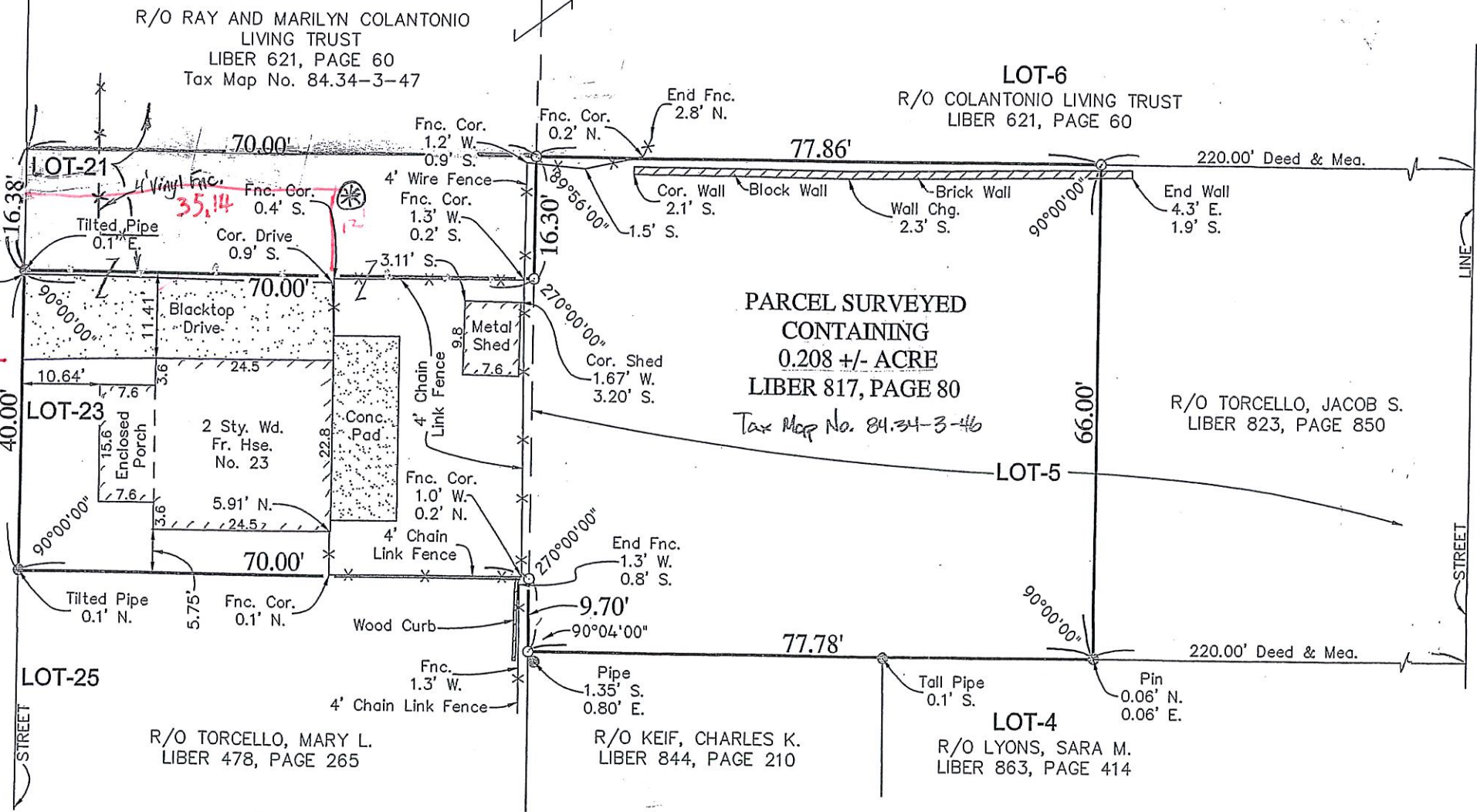
I HEREBY CERTIFY THAT THIS LAND SEPARATION AND
MERGER WAS PREPARED BY ME, AND WAS MADE FROM
AN ACTUAL SURVEY COMPLETED BY ME ON MAY 15,
2014 AND REFERENCES LISTED HEREON

BOUNDARY SURVEY SHOWING THE SEPARATION
AND MERGER OF LANDS OF THE RAY AND
MARILYN COLANTONIO LIVING TRUST, BEING
PART OF ORIGINAL VILLAGE LOT NO. 30,
DISTINGUISHED AS BEING PART OF SUBDIVISION
LOT NO. 21 OF THE MAHANEY AND SNELL
SUBDIVISION. SITUATE IN THE CITY OF
BATAVIA, COUNTY OF GENESEE AND STATE OF
NEW YORK

SEPTEMBER 9, 2014 SCALE 1" = 20'
JOB NO. 14-134-A

REVISED 12/10/2014
12/10/14 Gregory W. Townsend
DATE _____
N.Y.S.R.L.S. No. 50249

ROSS STREET





Office of the Genesee County Clerk

Don M. Read, County Clerk

DOCUMENT # 5180

RETT: 438 \$.00

10/29/2014 03:22:47 P.M.
 RECEIPT: 13073 FEE: \$185.00
 GENESSEE COUNTY CLERK
 LIBER: 909 PAGE: 250

E-Mail: coclerk@co.genesee.ny.us
 Website: www.co.genesee.ny.us
 Regular Mail Address:
 PO Box 379
 Batavia, N.Y. 14021-0379

Phone: 585-344-2550 ext 2242
 Fax: 585-344-8521
 Shipping & Express Mail Address:
 County Bldg #1, 15 Main Street
 Batavia, N.Y. 14020

Type/Print LEGIBLY - Black Ink: After Recording Return this Document to:

Robert Humphrey

Method of Document Return:

☐ Postage Paid Return Envelope☒ Office Box ☐ Courier☐ Inter Office Mail Service ***☐ Periodic Mail - No Return Envl☐ Mail - General Public

This Document Was Recorded By: _____

THE SPACE BELOW IS RESERVED FOR THE COUNTY CLERK REQUIRED RECORDING INFORMATION

DOCUMENT TYPE

Deed

TAX DISTRICT

Batavia / City

Pages to Validate

4

MORTGAGE RECORDING TAX RECEIPT

CROSS REFERENCES

Total Amount Secured By Mortgage:

\$ _____

BASIC \$ _____

~L _____ P _____ Yr _____

LOCAL \$ _____

~L _____ P _____ Yr _____

- ☐ 1-2 Family Clause Applicable
☐ Mortgage Tax Affidavit Attached
☐ To be Apportioned
☐ Mortgage Tax Exempt
☐ Recapture Obligation Included *

ADDTL \$ _____

~L _____ P _____ Yr _____

SPECIAL \$ _____

~L _____ P _____ Yr _____

~L _____ P _____ Yr _____

TOTAL TAX \$ _____

State of New York }

County of Genesee }

I do hereby certify that I have received the amounts cited above on the within Mortgage,
 being the amount of the Recording Tax imposed thereon and paid at the time of recording.

Don M. Read

Genesee County Clerk

DO NOT DETACH THIS PAGE FROM THE DOCUMENT:

This page constitutes the County Clerk's Endorsement as Required by Section 319 of the Real Property Law of New York State.

Don M. Read

Genesee County Clerk

THIS SPACE RESERVED FOR COUNTY CLERK NOTES

WARRANTY DEED

THIS INDENTURE made 10/23, 2014,

BETWEEN

THE RAY and MARILYN COLANTONIO LIVING TRUST, established October 3, 1992, Raymond B. Colantonio and Marilyn J. Colantonio, Trustees, whose mailing address is 19 Seneca Avenue, Batavia, New York 14020,
party of the first part, and

GEORGE F. MIRRIONE and MICHELLE R. MIRRIONE, residing at 23 Seneca Avenue, Batavia, NY 14020,
party of the second part,

WITNESSETH, that the party of the first part, in consideration of One and 00/100 Dollars (\$1.00) plus other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, their heirs or successors and assigns of the party of the second part,

SEE SCHEDULE A ATTACHED HERETO AND MADE A PART HEREOF

Subject to easements, covenants, restrictions and rights-of-way of record, if any.

Being and intending to convey the same premises conveyed to first party by deed recorded in the Genesee County Clerk's Office on June 9, 2014, in Liber 906 of Deeds, page 148 and

TOGETHER with the appurtenances and all the estate and rights of the party of the first in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants as follows:

FIRST, That the party of the first part is seized of the said premises in fee simple, and has good right to convey the same;

SECOND, That the party of the second part shall quietly enjoy the said premises;

THIRD, That the premises are free from incumbrances, except as aforesaid,

FOURTH, That the party of the first part will execute or procure any further necessary assurance of the title to said premises;

FIFTH, That the party of the first part will forever **WARRANT** the title to said premises;

SIXTH, the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

In Presence of

THE RAY AND MARILYN
COLANTONIO LIVING TRUST

By: Raymond B. Colantonio
Raymond B. Colantonio, Sole Trustee

STATE OF NEW YORK
COUNTY OF GENESEE

On the 23 day of October, in the year 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared RAYMOND B. COLANTONIO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

AMBER L. REESE
Notary Public, State of New York
Qualified in Genesee County
No. 01RE6249594
My Commission Expires 10-17-20 15

Amber L. Reese
Notary Public

SCHEDULE A

PARCEL "A"

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Batavia, County of Genesee and State of New York, bounded and described as follows:

Beginning at a point in the south line of Lot No. 5 of the Bissell Subdivision of Original Lot No. 32, as the same is shown on a map by David E. E. Mix, surveyor, and now filed in the Genesee County Clerk's Office in Liber 1 of Maps at page 8, at a point 220 feet westerly along said south line from the southeast corner of Lot No. 5, thence northerly 66 feet on a line parallel to the easterly boundary of said Lot No. 5 which said easterly boundary is also the west line of Ross Street, to a point in the north line of Lot No. 5; thence westerly along said north line 77 feet to a point; thence southerly 66 feet along a line parallel to the first mentioned course to a point in the south line of Lot No. 5; thence easterly 77 feet to the place of beginning.

PARCEL "B"

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Batavia, County of Genesee and State of New York being subdivision Lot No. 23 situate on Seneca Avenue as shown on "Map of Mahaney and Snell Subdivision of part of City Lot No. 30" made by R.A. Wentworth October 6, 1919 and filed in Genesee County Clerk's Office October 7, 1919 in Book 1 of Maps at page 48. Being a lot 40 feet wide and 70 feet deep the property is located on the east side of Seneca Avenue and known as Lot No. 23.

Property Mailing Address: 23 Seneca Avenue, Batavia, New York 14020
Tax Map No: 84.034-3-46.

PARCEL "C"

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Batavia, County of Genesee and State of New York, being part of Original Village Lot No. 30, distinguished as being part of Subdivision Lot No. 21 of the Mahaney and Snell Subdivision, and more particularly described as follows:

Beginning at a point on the easterly street line of Seneca Avenue at the northwest corner of Subdivision Lot No. 23 and southwest corner of Subdivision Lot No. 21 of the Mahaney and Snell Subdivision, said point being the northwest corner of land conveyed to George F. and Michelle R. Mirrione at Liber 906 of Deeds, page 148;

Thence northerly, along the street line of Seneca Avenue, a distance of 16.38' to a point;

Thence easterly, forming an interior angle of $89^{\circ}56'-00''$, a distance of 70.00' to a point on the easterly line of Subdivision Lot No. 21;

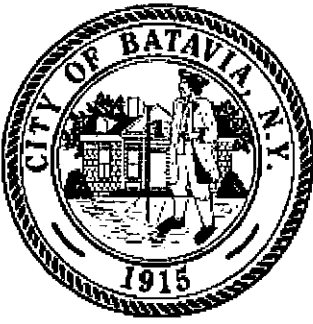
Thence southerly, along the east line of Lot No. 21 and forming an interior angle of $90^{\circ}04'-00''$, a distance of 16.30' to a point, said point being the southeast corner of Lot No. 21 and northeast corner of Lot No. 23 and the northeast corner of Mirrione lands;

Thence westerly, along the northerly line of Mirrione lands and forming an interior angle of $90^{\circ}00'-00''$, a distance of 70.00' to the point of beginning, said final course forming an interior angle of $90^{\circ}00'-00''$ with the street line of Seneca Avenue, containing 0.026 +/- acre

The above Parcels A and B are presently owned by the grantees herein George F. Mirrione and Michelle R. Mirrione.

This parcel (Parcel C) is being conveyed by party of the first part to parties of the second part. Parcel C is being added to Parcels A and B. Subsequent transfer of Parcel C except in conjunction with Parcels A and B is a violation of the zoning ordinance of the City of Batavia.

Parcel C is part of premises conveyed to Party of the First Part by quitclaim deed recorded in the Genesee County Clerk's Office on January 12, 1993 in Liber 621 of Deeds, at page 60.



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: 5/29/15

Re: 311-313 West Main St. (rear building)
Tax Parcel No. 84.006-3-38

Zoning Use District: C-2

The applicant, Tony Mattiaccio (President/CEO of Monroe County Automotive Services Inc., perspective occupant) has filed a Special Use Permit application for the rear building on this parcel, to establish the use of auto detailing, protection and accessories that include washing, waxing and shampoo, undercoating, sprayed on bed-lining, remote car starters, window tinting, vehicle graphics & films, truck accessories such as tube steps and tonneau covers. This use, by definition [BMC 190-3] is classified as a "Public Garage"- A building or part thereof used for the storage, hiring, selling, greasing, washing, servicing, or repair of motor vehicles, operated for gain.

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) (12).

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 State Route 5.

City Planning and Development Committee- Pursuant to section 190-37 of the zoning ordinance, the Planning and Development Committee is authorized to issue Special Use Permits that are in conformance with the provisions of 190-37 E. (1,4,5,10 and 12) and 190-37 K. (1-14).

BMC 190-37 K. (7) The proposed use shall meet the off street parking requirements of similar uses.

BMC 190-39 A. (3)(a)[4] The provisional parking standards for this type of use indicates 1 space for each 200sq.' of sales floor area and 1 space for each 600 sq.' of service area plus 1 space for each company vehicle. The area of the front building (sales floor) is 1,406 sq.' and the rear building (shop) is 4,500 sq.'. Total spaces without company vehicles is 15 spaces.

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. 190-37 E. (10) Public garages are not permitted to be located within 500 feet of the public entrance to a church as measured from the lot line to the nearest entrance. This parcel shares lot lines with a church to the west and is within 500 feet of the required set back.

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) Planning and Development CommitteeAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345 - 6347 Ext. _____**2. APPLICANT INFORMATION**Name Tony MattiaccioAddress 1505 Lyell Ave.City, State, Zip Rochester, NY 14606Phone (585) 254 - 7288 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: Special Use Permit

- Subdivision Proposal
☐ Preliminary
☐ Final

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:A. Full Address 311-313 West Main St. (aka 311 West Main)B. Nearest intersecting road Vernon Ave.C. Tax Map Parcel Number 84.006-3-38

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

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

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

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

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

BMC 190-37C. Please describe the nature of this request Approval of Special Use permit application to establish an auto detailing, protection and accessory shop on this parcel.**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 RandallTitle Code Enf. OfficerPhone (585) 345 - 6327

Ext. _____

Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020Email drandall@batavianewyork.com

Douglas E. Randall

From: Tony Mattiaccio <TMattiaccio@ziebart.com>
Sent: Wednesday, May 20, 2015 3:45 PM
To: Douglas E. Randall
Cc: Zach Mattiaccio.rny; Ryan Mattiaccio.rny; Ann Scalia.rny
Subject: Ziebart Batavia

Hello Mr Randall,

I am writing to you to ask for permission to open a Ziebart franchise in Batavia. The address is as follows, 309, 311, & 313 west Main Street in Batavia.

The 3 addresses represent a parking lot (309) to be used for parking, a small showroom (311) for displaying our products, and a shop (313) to install our products.

Ziebart is a provider of auto detailing, protection & accessories. Our services will include automotive detailing including washing, waxing & shampoo. We also install undercoating, sprayed on bed lining, remote car starters, window tinting, vehicles graphics & films, along with truck accessories such as tube steps & tonneau covers.

I have been in business in the Rochester area for over 25 years and recently opened a store in Canandaigua, NY and hopefully with your permission Batavia NY as well. I hope to be able to open this location this summer so please let me know anything you need from me to expedite the approval.

Respectfully,

Tony Mattiaccio
President / CEO
585-764-3741
Ziebart | Rochester, NY Group

PERMIT NO. _____



SPECIAL USE PERMIT

CITY OF BATAVIA, NEW YORK

LOCATION: 311-313 West Main Batavia, NY
 OWNER: John Houseknecht
 Address: _____

Application Date: 5/28/15
 Tax Parcel No.: 84.006-3-38
 Phone No. 739-4394

Yes COUNTY PLANNING REVIEW

Yes ZONING VARIANCE REQUIRED

C-2 ZONING DISTRICT

No HISTORIC DISTRICT

No FLOOD ZONE

No HISTORIC LANDMARK

No CORNER LOT

No CITY ENGINEER REVIEW

No SITE PLAN REVIEW

No CITY COUNCIL REVIEW

No BID

— OTHER

PROJECT DESCRIPTION:

We would like to move-in to 313 W. Main St. and Service
customer vehicles in Batavia, NY. Ziebart provides automotive Appearance &
Protection Services including Detailing, Accessories, Remote Starts, and more.

EXISTING USE: B occ. (Front bldg.) - Business PROPOSED USE: Same (Auto accessory shop)
S1 occ (Rear bldg.) - Auto Repair

N.Y.S. BLDG. CODE OCC. CLASS: _____

N.Y.S. BLDG. CODE OCC. CLASS: B and S1

LOT SIZE: 311-313 = .62 Acres
309 = 1.32 Acres

LOT AREA: _____

CITY PLANNING & DEVELOPMENT REVIEW:

___ APPROVAL AS PRESENTED ___ DISAPPROVAL ___ APPROVAL WITH CONDITIONS

CHAIRMAN SIGNATURE: _____ DATE: _____

<u>John Houseknecht</u>	<u>5-28-15</u>	_____
Applicant Signature	Date	Issuing Officer
Permit Fee: <u>\$100.-</u>	Issue Date: _____	



CITY OF BATAVIA

APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____

Hearing Date/Time: _____

APPLICANT: Monroe County Automotive Services Inc. accounting.rny@ziebart.com

Name <u>1505 Lyell Avenue</u>	E-Mail Address <u>585.254.7288</u> <u>585.254.7268</u>
Street Address <u>Rochester</u>	Phone <u>14606</u>
City <u>NY</u>	Zip <u>14606</u>

STATUS: ☒ Owner ☐ Agent for Owner ☐ Contractor

OWNER: John Houseknecht Shouseknecht@crickler

Name <u>311 West Main Street</u>	E-Mail Address <u>585-739-4344</u> <u>ending.com</u>
Street Address <u>Batavia, NY 14020</u>	Phone <u>14020</u>
City <u>NY</u>	Zip <u>14020</u>

LOCATION OF PROPERTY: 313 West Main Street Batavia, NY 14020

DETAILED DESCRIPTION OF REQUEST: Approval to establish an Auto. Accessory Shop/"Public garage" at this property that is located within 500' of a church. The near building is already a private mechanic shop for maintenance of a truck fleet.

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

May 25th, 2015

Date

Owner's Signature

Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.006-3-38 **ZONING DISTRICT:** C-2 **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)

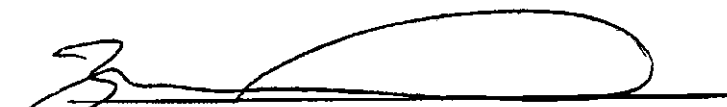
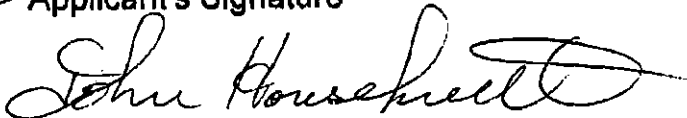
Provision(s) of the Zoning Ordinance Appealed: Bmc 190-37 E.(10) public garage shall not be located within 500' of a church.

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.
Ziebart will bring positive change to the local community. We will provide our existing customers that commute to Rochester to service their vehicle with a location in their home city of Batavia, NY. We also plan on employing local city residents in various positions (we currently employ over 100 employees in Rochester, NY).
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. We have been looking for a location in Batavia, NY for over a year now and have not had any success with finding a suitable location. Our Franchise has strict requirements and this location meets all of their requirements. We are very confident that our business can do very well in this location and help the local market.
3. **Substantiality.** The requested area variance is not substantial. The existing variance is for mechanical work on personal / company vehicles, we need to change this to accomodate mechanical work (detailing, remote car starters, accessories, etc.) on customer vehicles.
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.
They type of work performed in this building will not change, the only thing that will change is who we are doing the work for (customers instead of personal use). With this said, there will not be a negative impact on the physical or environmental condition in the neighborhood or community. Additionally, we are closed on Sundays and will not interfere with the local church.
5. **Not Self-Created.** The alleged difficulty existed at the time of the enactment of the provision or was created by natural force or governmental action, and was not the result of any action by the owner or the predecessors in title. This difficulty existed before we sought the location and was not caused by ourself. We look forward to being a strong successful business in the city of Batavia.


 Applicant's Signature


May 25th, 2015

Date

