

ZONING BOARD OF APPEALS
Thursday, January 24, 2019
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 December 20, 2018 minutes
- V. Statement about the role of the Zoning Board of Appeals and the procedure it follows
- VI. Variance Requests
 - Request #1** *999 Park Rd.*
 Scott Kiedrowski, VP/Operations for Batavia Downs
 - Area Variance: Placement of a 5' x 5' free-standing pole sign on this parcel
 - 1. Review application
 - 2. Public hearing and discussion
 - 3. Action by the board
- VII. Setting of Next Meeting: February 28, 2019
- VIII. Adjournment



GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID **C-01-BAT-1-19**

Review Date **1/10/2019**

Municipality
Board Name
Applicant's Name

BATAVIA, C.

ZONING BOARD OF APPEALS

Batavia Downs Gaming and Hotel c/o Scott Kiedrowski

Referral Type
Variance(s)
Description:

Area Variance(s)

Area Variance to install an off-premise 25 sq. ft. pole sign.

**Pole signs not allowed.
Off-premise signs not allowed.**

Location
Zoning District

999 Park Rd., Batavia

Residential (R-1) District

PLANNING BOARD DECISION

APPROVAL WITH MODIFICATION(S)

EXPLANATION:

The required modification is that the sign be covered to a monument type sign, as these are allowed in the R-1 District. The off-premise variance may be justified given that drivers need to turn to continue on Park Rd. With this required modification, the proposed sign should pose no significant county-wide or inter-community impact. It is recommended that the applicant explore a directory style sign at that intersection with other Park Rd. businesses in order to avoid similar request in the future.

Director

January 10, 2019

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.

As mandated by State Law, this form must be completed and filed within 30 days after Final Action by the local agency.



**-NOTICE OF FINAL ACTION-
ZONING REFERRALS**

PURSUANT TO SECTIONS 239 l, m and n OF GENERAL MUNICIPAL LAW

Date : _____

Reference : G.C.D.P. Referral Number : _____

Applicant : _____

☐ AGREEMENT with County Planning Board recommendations.

☐ OVERRULED County Planning Board recommendations.

Is a copy of the resolution attached? YES ☐ NO ☐

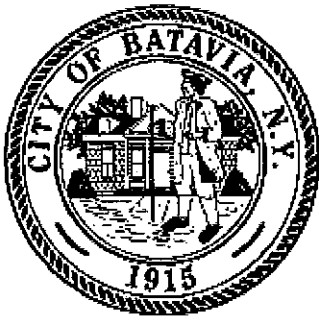
If not, please list the substance of the resolution below.

Signature of the Referring Official

Representing Board

Article 12B, Sections 239 l, m and n of the General Municipal Law requires the County Planning Board to review all zoning matters as specified by that resolution. It also provides that a recommendation of the County Planning Board may be overruled by the local referring agency. The local referring agency must pass a resolution expressing the reason for such action by a majority plus one vote of its membership. Article 12B also requires that the local municipal agency file a report of its final action informing the County Planning Board of what action the local agency took.

Please return this form within 30 days of your final action to:
GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, New York 14020-9404



City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020

(585)-345-6345

(585)-345-1385 (fax)

To: Genesee County Planning
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 12/17/18

Re: 999 Park Rd.
Tax Parcel No. 71.013-3-1.111

Zoning Use District: R-1

The applicant, Scott Kiedrowski, VP Operations for Batavia Downs, has filed an application to place a 5' x 5' free standing pole sign on this parcel.

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) (7).

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 the city.

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 190-43 L. Pole signs are not permitted in the R-1 use district.
- 2) BMC 190-43 J. Off premises signs are not permitted.

190-3 Definitions: (15) Off-Premises Sign- A sign unrelated to a business or a profession conducted, or to a commodity or service sold or offered, upon the premises where such a sign is located.

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 Scott Kiedrowski, VP OperationsAddress 8315 Park Rd.City, State, Zip Batavia, NY 14020Phone (585) 343 - 3750 Ext. 6215 Email skiedrowski@bataviagaminMUNICIPALITY: ☒ 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 999 Park Rd.B. Nearest intersecting road Veterans Memorial Dr.C. Tax Map Parcel Number 71.013-3-1.111

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

E. Present zoning district(s) R-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 190-43 L. and 190-43 J.C. Please describe the nature of this request Approval to place a 25 sq.' pole sign 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 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



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____

Hearing Date/Time: _____

APPLICANT: _____

BATAVIA DOWNS GAMING & HOTEL
Name
8315 PARK ROAD
Street Address
BATAVIA NY
City State
343-3750
Phone
14020
Fax Zip

STATUS: _____

☒ Owner

☐ Agent for Owner

☐ Contractor

OWNER: _____

BATAVIA DOWNS GAMING & HOTEL
Name
8315 PARK ROAD
Street Address
BATAVIA NY
City State
343-3750
Phone
14020
Fax Zip

LOCATION OF PROPERTY: _____

CORNER VET. MEM PKWY & PARK RD
999 Park Rd.

DETAILED DESCRIPTION OF REQUEST: _____

SIGNAGE ON CORNER

PLEASE SEE ATTACHED

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

Owner's Signature

Date

Date

To be Filled out by Zoning Officer

TAX PARCEL: 71.013-3-1.111

ZONING DISTRICT: R-1

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 190-43 L. Pole signs are not permitted in R-1 use dist. and BMC 190-43 d. off premises signs are not permitted.

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.

Please SEE ATTACHED

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.

Please SEE ATTACHED

3. **Substantiality.** The requested area variance is not substantial.

Please SEE ATTACHED

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.

Please SEE ATTACHED

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.

Please SEE ATTACHED

Scott P. Kingman
Applicant's Signature

Dec 13 2018
Date

#1.

Our sign will enhance the corner parcel offering direction for patrons. Additionally we plan on landscaping around the signage to further the beautification of the corner.

#2.

This is the only area large enough with the proper setbacks to accommodate directional signage.

#3

Our sign will enhance the corner of Veterans Parkway and Park Road while not affecting sight lines.

#4

We had a sign on the opposite corner for many years and much like that sign, this sign if approved will not have an adverse effect as it is located in a more commercialized area and not close to any homes and or neighborhoods. We will beautify the area and adorn the sign with landscape.

#5

Not self-created, we would like to make wayfinding signage to the Batavia Downs easier to identify much like our sign of old. Our number one request from our newer customers is asking us to place more visible wayfinding signage on that corner.



Permit No.: _____
Date: 12/4/18
Zone: R-1

SIGN PERMIT APPLICATION
City of Batavia

One Batavia City Centre, Batavia, NY 14020
(585) 345-6345 • Fax (585) 345-1385

APPLICANT/OWNER:

BATAVIA DOWNS GAMING & HOTEL
Name _____ E-mail Address _____

8315 PARK ROAD 343-3750
Street Address _____ Phone _____ Fax _____

BATAVIA NY 14020
City, State, Zip Code _____

999 Park Rd. SKIEDROWSKI@BATAVIA-GAMING.COM

ADDRESS OF SIGN:

CORNER OF VET. MEM. DRIVE & PARK RD

AREA OF SIGN:

Length 20' Width 20' Area 5' x 5' = 25 sq.

TYPE OF SIGN:

1. All sign applications must have an illustration of the sign with its dimensions and copy.
2. Freestanding signs must have a Sit Plan to show the sign's location on the property.
3. All other signs must include an elevation plan to show the sign's placement on the building.

- ☒ Freestanding Set Back _____ Height _____
☐ Wall Wall Length _____ Wall Height _____ Area _____
☐ Projecting
☐ Marquee
☐ Awning / Canopy Length _____ Height _____ Area _____
☐ Window Window Length _____ Window Height _____ Area _____
☐ Portable

Lighting: ☐ Internal ☐ External

Existing Signs (Please list all existing signs with dimensions):

Applicant's Signature Scott P. Linn Date 11-29-2018

Issuing Officer _____ Date _____

Planning Board Chairperson _____ Date _____

FEES: ☒ \$25 Sign Permit _____ \$50 Special Sign Permit _____ \$10 Portable Sign

- 190-43 L. Pole signs are not permitted in R-1 dist.
- 190-43 J. Off premises signs are not permitted.

HERSHEY CREAMERY CORP.
BOOK (REVISED) 2007
PAGE 200
T.M. 8-01-33.1 & 852



SCALE 1" = 30'

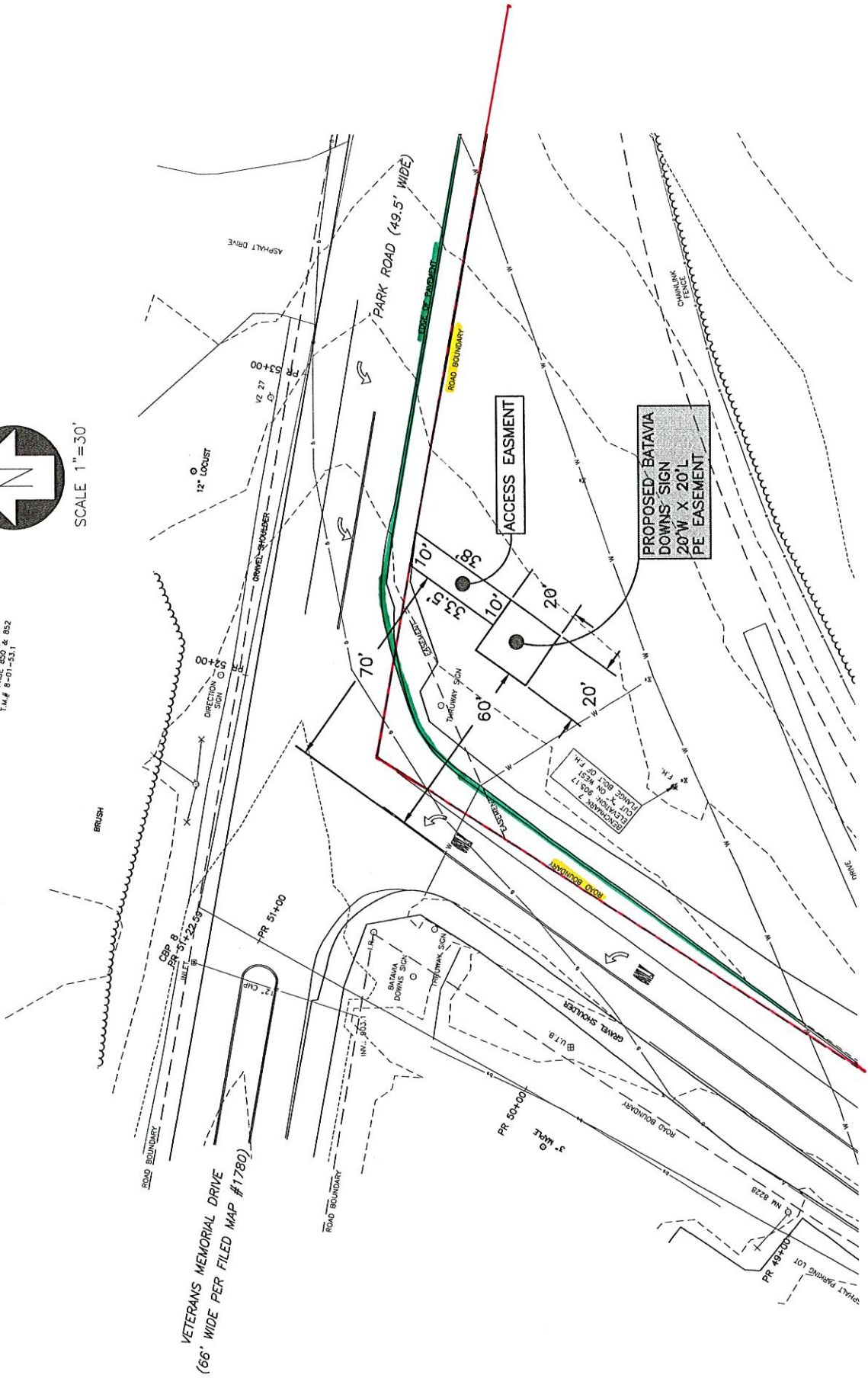




PHOTO ELEVATION NOT TO SCALE

DESCRIPTION:

DOUBLE FACE 3 1/4" DEEP SIGN WITH TWO 4" POSTS. DIGITAL PRINT GRAPHICS AND ADDITIONAL HANGING SIGN WITH APPLIED GRAPHICS AND 1" X 2" METAL POSTS.

COLORS:

SIGN: WHITE WITH DIGITAL PRINT APPLIED

POSTS: PAINTED BLACK

ARROW SIGN: BLACK



PAINTED GOLD

7'-0"

4'-0"

5'-1 1/4"

SQ. FT. = 20.41

I have carefully reviewed and hereby accept the drawing(s) as shown. I realize that any changes to these designs made before or after production may alter the contract price. All changes must be in writing and approved by both parties prior to production.

Signature _____

Date _____

THE CUSTOM ARTWORK DEPICTED HEREIN IS FOR REPRESENTATIONAL PURPOSES ONLY AND MAY NOT EXACTLY MATCH THE COLORS OF THE MATERIALS PROPOSED. ALL ELECTRICAL SIGNS REQUIRE 120V ELECTRICAL SERVICE AND GROUNDING UNLESS OTHERWISE STATED.

ALL ELECTRICAL SIGNS MUST BE GROUNDING AND BONDED IN ACCORDANCE WITH ARTICLE 800 NEC

PRODUCTION READY ART WORK		YES	NO
REVISIONS			
DATE	DESCRIPTION	REV	MR
08/28/17	CHANGE DESIGN REV1		



PREMIER SIGN SYSTEMS, LLC

A FULL SERVICE SIGN & AWING COMPANY

10 Excel Drive Rochester, NY 14621

P: 585-235-0390 F: 585-235-0392

WWW.PREMIER-SIGN-SYSTEMS.COM

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SIGN TYPE	POST AND PANEL SIGN
CUSTOMER	BATAVIA DOWNS
LOCATION	PARK RD
	BATAVIA, NY
SOLD PERSON	NB
DATE PREPARED	07/13/17
SCALE	AS NOTED
SQUARE FOOTAGE	AS NOTED
DRAWING	7731
INCHES	01
REVISION	1

