

ZONING BOARD OF APPEALS
Thursday, January 23, 2020

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 October 24, 2019 minutes
- V. Statement about the role of the Zoning Board of Appeals and the procedure it follows
- VI. Variance Requests

A. Request #1

15 Burke Drive
Nick LaFarnara, owner

Area Variance: Construct a 774 sq.' three-season room on the northeast elevation of the existing dwelling. A portion of the proposed addition is located within the rear yard clear space

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

B. Request #2

311-313 & 309 West Main Street
John Houseknecht, owner

Minor Subdivision: Reconfigure these two parcels and create two new parcels with different boundary configurations. One parcel will contain an existing commercial building with parking exceeding the minimum requirements of the BMC. The other parcel will remain a parking lot for the existing neighboring occupancies

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

C. Request #3

325 South Jackson Street
Alexander Busch, owner

Area Variance:

Place a 6' tall fence parallel to the east lot line within 15' of the front property line

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

D. Request #4

653 Ellicott Street
Eric Biscaro, owner

Use Variance:

Convert an existing warehouse space to an automobile repair shop / mechanic shop / public garage

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

VII. New Business: Approval of 2020 Meeting Dates

VIII. Setting of Next Meeting: February 27, 2020

IX. Adjournment

ZONING BOARD OF APPEALS

Draft Minutes

Thursday, October 24, 2019

6:00 pm

Council Board Room

One Batavia City Centre, Batavia, NY

Members present: *Nick Harris, Deborah Kerr-Rosenbeck, Paul McCarthy, Leslie Moma, Jim Russell [took part in discussion and vote on second proposal only]*

Members absent: Bill Cox

Others present: Meg Chilano – Recording Secretary, Doug Randall – Code Enforcement Officer

I. Roll Call

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

II. Call to Order

Mr. McCarthy called the meeting to order at 6:02 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 as written by unanimous consent.

RESULT: Approval of September 26, 2019 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: place a 10' x 14' one story wood-frame utility shed within the required 3' setback distance; 12" is proposed

Address: 4 LaCross Avenue

Applicant: Jim Russell, owner

- Actions:
1. Review proposal
 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.

2. Public Hearing and Discussion

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

RESULT: Public hearing opened at 6:07 pm.

Mr. Russell told the board that he intends to place a new shed on the same concrete pad where an old shed has been located since before he bought the property 41 years ago.

There was no one else 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 Ms. Kerr-Rosenbeck, and on roll call, was approved 4-0.

RESULT: Public hearing closed at 6:09 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
- Adverse effect or impact on neighborhood/community: no
- Self-created: no

MOTION: Ms. Moma 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.

- B. Area Variance: place a 6' tall fence within 15' of the west property line.
 This property is situated between two municipal right of ways

Address: *17 Vine Street.*

Applicant: Christopher Plath, 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 5-0.

RESULT: Public hearing opened at 6:11 pm.

Mr. Plath said that he just wants to replace the 6' wood fence he already has, which is falling apart.

There was no one else 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 5-0.

RESULT: Public hearing closed at 6:12 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
- Adverse effect or impact on neighborhood/community: no
- Self-created: no

MOTION: Mr. Russell moved to approve the proposal, with a 60-day time limit to obtain the permit. The motion was seconded by Ms. Kerr-Rosenbeck, and on roll call, was approved 5-0.

RESULT: Approval of Area Variance.

VII. New Business: none

VIII. Setting of Next Meeting: November 21, 2019

IX. Adjournment

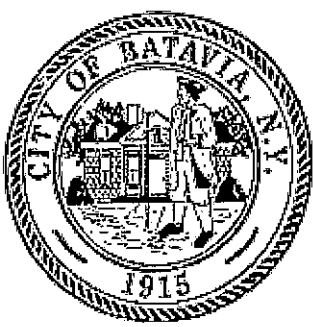
Mr. McCarthy moved to adjourn the meeting at 6:22 pm; Mr. Russell seconded. All voted in favor.

Meg Chilano
Bureau of Inspection Secretary

2020
Meeting Dates for
Zoning Board of Appeals
Deadline for applications is the last Thursday of the month

Zoning Board of Appeals

January 24	6:00 p.m.
February 28	6:00 p.m.
March 28	6:00 p.m.
April 25	6:00 p.m.
May 23	6:00 p.m.
June 27	6:00 p.m.
July 25	6:00 p.m.
August 22	6:00 p.m.
September 26	6:00 p.m.
October 24	6:00 p.m.
November 21	6:00 p.m.
December 19	6:00 p.m.



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: Zoning Board of Appeals
From: Doug Randall, Code Enforcement Officer
Date: 12/12/19
Re: 15 Burke Dr.
Tax Parcel No. 71.018-2-16

Zoning Use District: R-1

The applicant, Nick LaFarnara (owner), has filed an application to construct a 774 sq.' three season room on the northeast elevation of the existing dwelling. A portion of the proposed addition is located within the rear yard clear space.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (10).

Review and Approval Procedures:

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. 190-29 A. and Schedule I

	<u>Required</u>	<u>Proposed</u>	<u>Difference</u>
Rear yard clear space	35'	26.58'	8.42'



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 20
Hearing Date/Time: _____

APPLICANT: Nick and Kathy Lafarnara nlafarnara@rochester.rr.com
Name E-Mail Address
15 Burke Drive 585-343-6290
Street Address Phone Fax
Batavia NY 14020
City State Zip

STATUS: ☒ Owner ☐ Agent for Owner ☐ Contractor

OWNER: Nick and Kathy Lafarnara nlafarnara@rochester.rr.com
Name E-Mail Address
15 Burke Drive 585-343-6290
Street Address Phone Fax
Batavia NY 14020
City State Zip

LOCATION OF PROPERTY: 15 Burke Drive, Batavia NY 14020

DETAILED DESCRIPTION OF REQUEST: Addition of 3 Season room to be
built on the back side of house

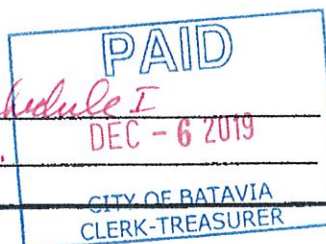
Applicant must be present at the hearing date. Failure to do so will result in the application being discarded. It is the responsibility of the applicant to present evidence sufficient to satisfy the Zoning Board of Appeals that the benefit of the applicant does not outweigh the health, safety, morals,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

Kathleen Lafarnara
Nil
Applicant's Signature Date 11/6/19
Kathleen Lafarnara
Nil
Owner's Signature Date 11/6/19

To be Filled out by Zoning Officer

TAX PARCEL: 71.018-2-116 ZONING DISTRICT: R-1 FLOOD PLAIN: C
TYPE OF APPEAL: ☒ Area Variance FEE: ☒ \$50 (One or Two Family Use)
☐ Use Variance ☐ \$100 (All other Uses)
☐ Interpretation
☐ Decision of Planning Committee

Provision(s) of the Zoning Ordinance Appealed: BMC 190-29 A. and Schedule I
Min. rear yard clear space is 35'; 26.58 is proposed.



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.

None

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.

None

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.

None

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

Kathleen Lafamare
Phil Yoon

Applicant's Signature

11/6/19

Date

CITY OF BATAVIA

BUILDING PERMIT APPLICATION

DATE: 11/6/19APPLICANT NAME & PHONE: Nick and Kathy LaFarnaraProject Location and Information

Permit #: _____ Fee: _____

Address of Project: 15 Bulke Drive, Batavia NY 14020Owner & Address: Nick and Kathy LaFarnara 15 Bulke Drive Batavia NY 14020Phone: 585-343-6290Project Type/Describe Work

Estimated cost of work: _____

Start date: 2020Describe project: 3 Season room located in rear of houseContractor Information – Insurance certificates (liability & workers comp) required to be on fileGENERALName/Address: Hans - Outlast ConstructionPhone: 585-409-4393PLUMBING (City of Batavia Licensed Plumber Required)Name/Address: N/A

Phone: _____

HEATINGName/Address: N/A

Phone: _____

ELECTRICAL (Third Party Electrical Inspection Required)Name/Address: Art NicomedeoPhone: 585 716-474-2286**FOR OFFICE USE ONLY**

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

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

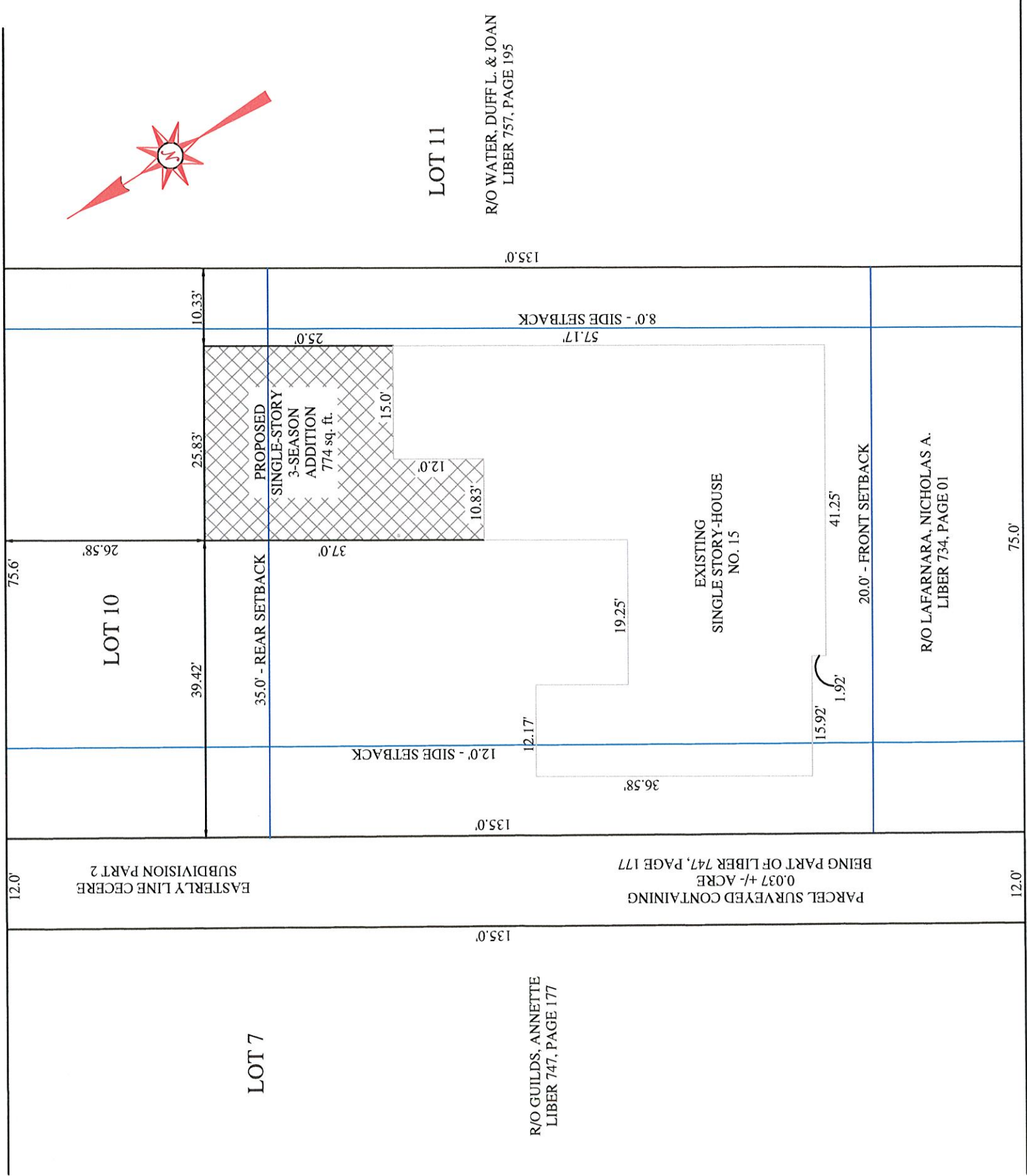
National Grid Sign Off (Pools): _____ Lot Size: _____

Existing Use: _____ NYS Building Code Occupancy Class: _____

Proposed Use: _____ NYS Building Code Occupancy Class: _____

Burke Drive





BURKE DRIVE (50.00' R.O.W.)

SITE PLAN
SCALE = 1/16" = 1'-0"

CITY OF BATAVIA - SITE DATA

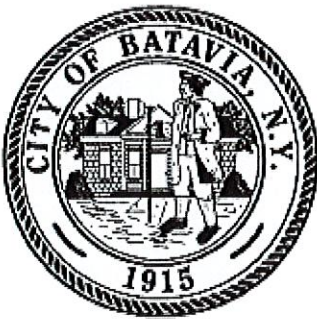
1	TAX ID. NO. 71.018-2				
2	ZONING: R-1				
3	PARCEL AREA = .2324 +/- ACRES				
4	SETBACKS FOR ADDITION:	REQUIRED	PROPOSED	VARIANCE	
	FRONT =	20.0'	N/A	NO	
	SIDE =	12' & 8'	10.33'	NO	
	REAR =	35.0'	26.58'	YES	
5	MAX. LOT COVERAGE =	25%	33.2%	YES	

LaFamara Addition
Nick & Kathy LaFamara
15 Burke Drive
Batavia, NY 14020

Title of Project:
Single Story Addition
3-Season Room
774 sq. ft

Consultant/Designer:
Design & Drafting by Gina, LLC
Gina Pestillo
Architectural Designer
(585) 469-1113
gpestillo@gmail.com

SITE PLAN
SCALE = 1/16" = 1'-0"
DATE: OCTOBER 28, 2019
PROJECT #: 2019.83
DRAWN BY: GMP
CHECKED BY:



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: 12/23/19

Re: 311-313 West Main St. and 309 West Main St.
Tax Parcel No. 84.006-3-38 and 84.039-1-1

Zoning Use District: C-2

The applicant, John Houseknecht (owner), has filed a minor subdivision application to reconfigure these two parcels and create two new parcels with different boundary configurations. One parcel will contain an existing commercial building with parking exceeding the minimum requirements of the BMC. The other parcel will remain a parking lot for the existing neighboring occupancies.

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 BMC Sec. 190-2 and 13-3 The Planning and Development Committee is authorized to review and approve or disapprove plats. BMC 162-40 B; The PDC shall act on the pre-application sketch and if approved the Chairman will sign and date the reproducible plat.

BMC 190-29 A. and Schedule I Minimum requirements of lot area and frontage for C-2 uses:

	Required	Proposed (84.006-3-38)	Proposed (84.039-1-1)
Lot area (min.)	5,000 sq.ʹ	32,727.5 sq.ʹ	> 42,377 sq.ʹ
Frontage (min.)	40ʹ	123.50ʹ	21.5ʹ (dif. 18.5ʹ)
Bldg. Coverage (max.)	40%	< 40%	None
Height (max.)	40ʹ	< 40ʹ	None
Front yard (min.)	20ʹ	29ʹ	N/A
Side yard (min.)	12ʹ	21.19ʹ	N/A
Side yard (total)	25ʹ	58.26ʹ	N/A
Rear yard (min.)	35ʹ	110.24ʹ	N/A

Zoning Board of Appeals- Pursuant to BMC Sec. 190-49 of the zoning ordinance, the ZBA shall review and act on required variances.

1)	Required variances- Area	BMC Sec. 190-29 A. and Schedule I		
		<u>Required</u>	<u>Proposed</u>	<u>Difference</u>
	Minimum Frontage	40'	21.5'	18.5'

The PDC 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) 815-7901

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 - 6345 Ext. _____**2. APPLICANT INFORMATION**Name John HouseknechtAddress 311-313 West Main St.City, State, Zip Batavia, NY 14020Phone (585) 739 - 4394 Ext. _____ Email jhousekn@gmail.comMUNICIPALITY: ☒ 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 311-313 West Main St. and 309 West Main St.B. Nearest intersecting road VernonC. Tax Map Parcel Number 84.006-3-38 and 84.039-1-1

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?

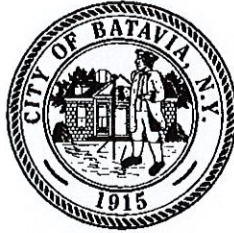
☒ NO ☐ YES If yes, give date and action taken _____

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

BMC 190-29 A and schedule IC. Please describe the nature of this request Approval to subdivide and reconfigure two parcels. An area variance is required for 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**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

Application No.: _____

Date: _____



MINOR SUBDIVISION APPLICATION

CITY OF BATAVIA

10 West Main Street, Batavia, NY 14020
Phone: (716) 343-8180 • Fax (716) 343-9221

ADDRESS OF SUBDIVISION 311-313 W. Main St. (84.006-3-38) and
309 W. Main St. (84.039-1-1)

OWNER: Crickler Management
John Houseknecht jhousekn@gmail

Name	E-mail Address
<u>311-313 - W. Main St.</u>	<u>585-739-4394 NA</u>
Street Address	Phone
<u>BATAVIA NY 14020</u>	Fax
City, State, Zip Code	

SIGNATURE John Houseknecht

PAID

JAN - 3 2020

CITY OF BATAVIA
CLERK-TREASURER

FEES: ___ \$50 Residential Subdivision

☒ \$100 Non-Residential Subdivision



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS



Application No.: _____

Hearing Date/Time: _____

APPLICANT: Crickler Management jhousekn@gmail.com
Name E-Mail Address
311-313 West Main Street 585-739-4394
Street Address Phone Fax
Batavia NY 14020
City State Zip

STATUS: ☒ Owner ☐ Agent for Owner ☐ Contractor

OWNER: John Houseknecht jhousekn@gmail.com
Name E-Mail Address
Street Address Phone Fax
City State Zip

LOCATION OF PROPERTY: 311-313 West Main Street, Batavia NY 14020

DETAILED DESCRIPTION OF REQUEST: Area variance for driveway
width of 21.5' (need 40.0')

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

John Houseknecht
Applicant's Signature

12-27-2019
Date

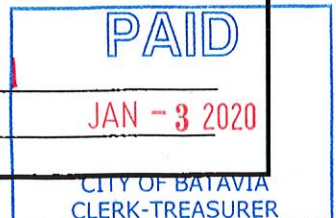
John Houseknecht
Owner's Signature

12-27-2019
Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.006-3-38 **ZONING DISTRICT:** C-2 **FLOOD PLAIN:** C
84.039-1-1
TYPE OF APPEAL: ☒ Area Variance **FEE:** ☐ \$50 (One or Two Family Use)
☐ Use Variance ☒ \$100 (All other Uses)
☐ Interpretation
☐ Decision of Planning Committee

Provision(s) of the Zoning Ordinance Appealed: BMC 190-29 A and Schedule 1
Min. Frontage required is 40', 21.5' is proposed.

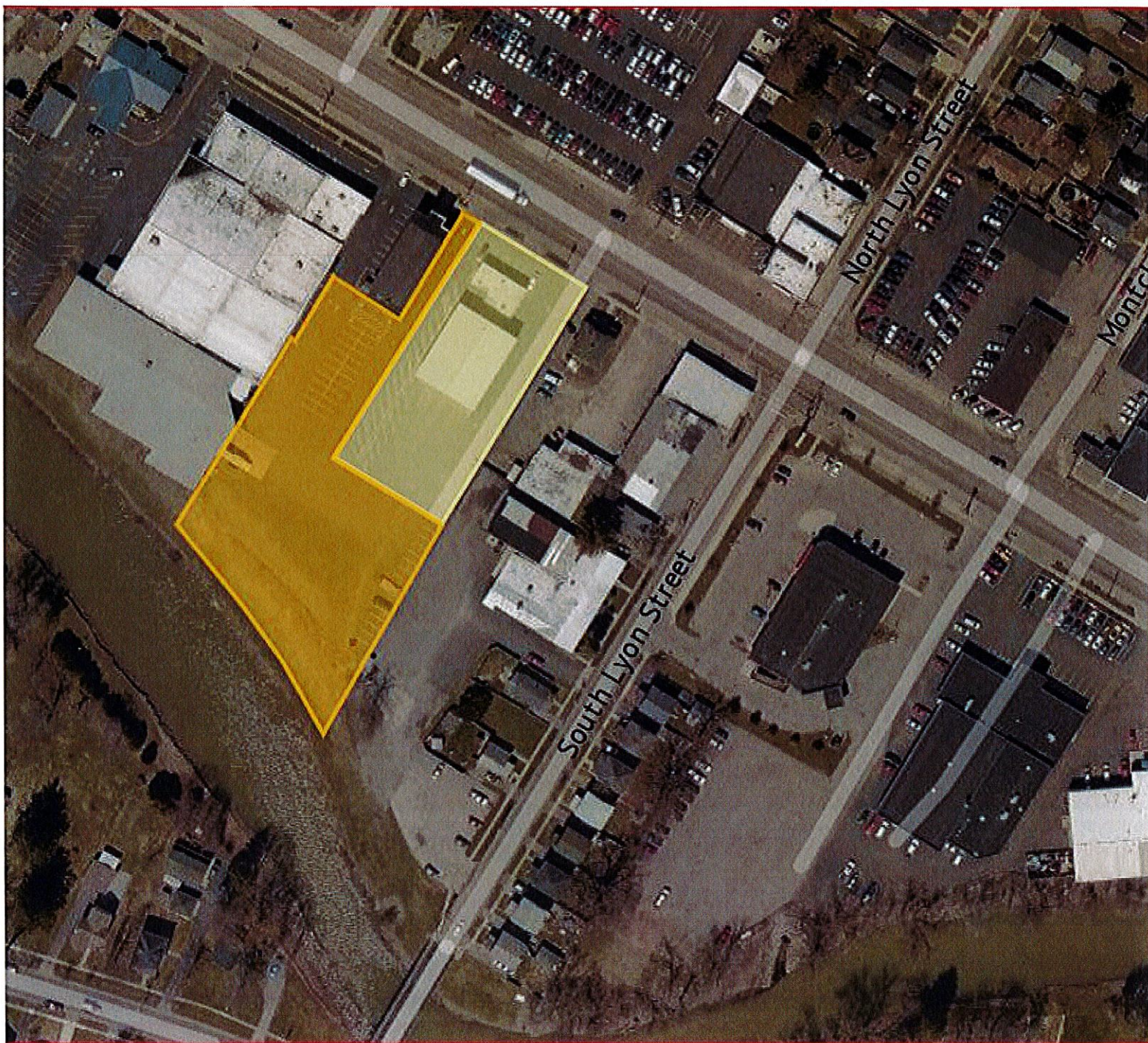




Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, Mapbox, OpenStreetMap contributors, and the GIS User Community



84.005-2-33.1
84.005-2-31
84.009-3-1
84.009-3-2
84.009-3-3
84.009-3-4
84.005-2-27
84.005-2-28
84.005-2-29
84.005-2-30
84.006-3-42
84.006-3-40
84.039-1-1
84.006-3-38
84.006-3-37
84.039-1-6
84.039-1-2
84.039-1-5
84.039-1-4
84.006-3-43
84.006-3-44
84.006-3-36
84.006-3-32.11
84.031-1
Vernon
on Street
13



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.

property is located in a commercial property area.

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 is in the only location feasible.

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

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.

Correct.

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. Correct.

John Houseknecht

Applicant's Signature

12-27-2019

Date

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: <u>Crickler Management Groups Land Separation</u>			
Project Location (describe, and attach a location map): <u>311-313 West Main Street, Batavia NY 14020</u>			
Brief Description of Proposed Action: <u>Area variance for driveway width of 21.5' (need 40.0')</u>			
Name of Applicant or Sponsor: <u>John Houseknecht</u>		Telephone: <u>585-739-4394</u>	
		E-Mail: <u>jhousekne@gmail.com</u>	
Address: <u>311 -315 W. Main Street</u>			
City/PO: <u>Batavia</u>		State: <u>NY</u>	Zip Code: <u>14020</u>
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.		NO X	YES
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:		NO X	YES
3.a. Total acreage of the site of the proposed action?		<u>0.751</u> acres	
b. Total acreage to be physically disturbed?		<u>0</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>1.864</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 type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input 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
		X	
b. Consistent with the adopted comprehensive plan?		X	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
			X
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	
		X	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	X		
b. Are public transportation service(s) available at or near the site of the proposed action?			X
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			X
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	
			X
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
			X
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
			X
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	X		
b. Is the proposed action located in an archeological sensitive area?			X
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	
	X		
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: _____			X
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 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	
	X		
16. Is the project site located in the 100 year flood plain?	NO	YES	
			X
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	NO	YES	
			X
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <u>runoff to storm drains</u> <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES			X

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 X	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 X	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 X	YES

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

Applicant/sponsor name: John Houseknecht Date: 12-27-2019
 Signature: John Houseknecht

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)

N 57°28'00" W 21.50'

Blacktop Drive

S 33°34'52" W 120.00'

Blacktop Drive

Tax Map No. 84.06-3-38-

N 33°35'00" E 265.00'

Blacktop Drive

1 Story Concrete
Block Building

Blacktop Drive

Metal Building

PARCEL SURVEYED
CONTAINING
0.751 +/- ACRE

parallel To West Main Street

R/O THE CRICKLER MANAGEMENT GROUP
LIBER 650, PAGE 239
Tax Map No. 84.39-1-1
1.113 +/- ACRES

LIBER 650, PAGE 239
Tax Map No. 84.39-1-1
1.113 +/- ACRES

Blacktop Drive

Blacktop Drive

Blacktop Drive

Blacktop Drive

North Line Permanent Easement
Liber 313, Page 272, Parcel No. 113

S 42°43'26" E 181.12'

North Line Permanent Easement -
Liber 306, Page 146, Parcel No. 111

Easement
Ced. No. 111

End Wd.
1.3' E.

6' Wood Fence

End Ch. Lk.
1.5' E.

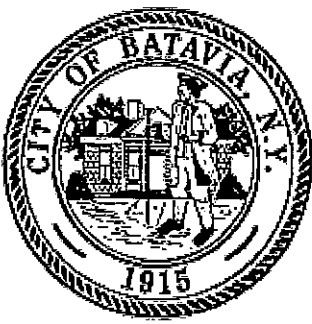
R/O BRS F
LIBER 815
Tax Map No

R/O BGW PF
LIBER 821
Tax Map N

0. 88-25 BY DAVID S. LAMENDOLA,
ED NOVEMBER 4, 2002
1. B-3797 BY MCINTOSH &
LAST DATED NOVEMBER 21, 1979

TONAWANDA

CREEK



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: Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 12/27/19

Re: 325 South Jackson St.
Tax Parcel No. 84.073-2-46

Zoning Use District: R-1A

The applicant, Alexander Busch (owner), has filed an application to place a 6' tall fence parallel to the east lot line within 15' of the front property line.

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:

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 190-33 D.** Fences located in residential districts shall not exceed 3' in height above ground when located within 15' of a property line abutting a street.



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____

Hearing Date/Time: _____

APPLICANT:

Alexander Busch
Name 325 South Jackson St. E-Mail Address 585-813-7884
Street Address Batavia New York Phone 14020
City _____ State _____ Zip _____

STATUS:

☐ Owner ☐ Agent for Owner ☐ Contractor

OWNER:

Alexander Busch
Name 325 South Jackson St. E-Mail Address _____
Street Address Batavia New York Phone _____ Fax _____
City _____ State _____ Zip _____

LOCATION OF PROPERTY: _____

DETAILED DESCRIPTION OF REQUEST:

putting in 6 foot fence
on property

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.

Alexander J. Busch
Applicant's Signature

12-20-19
Date

Alexander Busch
Owner's Signature

12-20-19
Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.073-2-46 ZONING DISTRICT: R-1A FLOOD PLAIN: AH

TYPE OF APPEAL:

- ☒ Area Variance
☐ Use Variance
☐ Interpretation
☐ Decision of Planning Committee

FEE:

- ☒ \$50 (One or Two Family Use)
☐ \$100 (All other Uses)

Provision(s) of the Zoning Ordinance Appealed:

BMC 190-33D. Fences located in
residential districts shall not exceed 3' in height when located within
15' of a front property line.

JAN - 3 2020

CITY OF BATAVIA
CLERK-TREASURER

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 fence will not produce an undesirable change as it is being put up by a reputable local company. The fence will be constructed up to code with high quality materials that will add value to the property.
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.
There are no other feasible means that will grant the privacy and security of the desired fence.
3. **Substantiality.** The requested area variance is not substantial.
The size of the fence is necessary and adequate to ensure safety and privacy for my family without having a negative impact on the neighborhood.
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 fence will not have a negative impact on the community. It will not hinder traffic or create any other issues including any undesirable change to the neighborhood.
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 section does not apply as there is no difficulty or issue to be fixed we are putting up a fence to provide privacy and security without detriment to the neighborhood.

Applicant's Signature

Date

DATE: _____

APPLICANT NAME & PHONE: _____

Project Location and Information

Permit #: _____ Fee: _____

Address of Project: 325 South Jackson St.Owner & Address: Alexander BuschPhone: 585-300 3324**Project Type/Describe Work**Estimated cost of work: 7100.00Start date: 12-22-19

Describe project:

put in fence in back of House**Contractor Information** – Insurance certificates (liability & workers comp) required being on file**GENERAL**Name/Address: H+S Fence Co. P.O. Box 437 Batavia NY 14020-0437Phone: (716) 474-3470**PLUMBING** (City of Batavia Licensed Plumber Required)

Name/Address: _____

Phone: _____

HEATING

Name/Address: _____

Phone: _____

ELECTRICAL (Third Party Electrical Inspection Required)

Name/Address: _____

Phone: _____

FOR OFFICE USE ONLY

Zoning District: _____ 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: _____

Owners: DAN HUNT
Cell: (716) 474-0165

RICK SAUNDERS
Cell: (716) 474-3470

H & S FENCE CO.

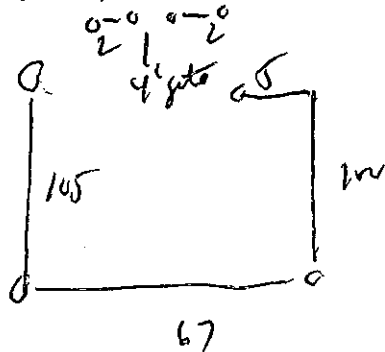
PO BOX 437
BATAVIA, NEW YORK 14021-0437

No.

Page No. _____ of _____

PROPOSAL SUBMITTED TO <u>Linda Busch</u>		PHONE <u>585-823 7884</u>	DATE <u>Nov 20 2019</u>
STREET <u>325 South Jackson</u>		JOB NAME	
CITY <u>BATAVIA</u>	STATE <u>NY</u>	ZIP CODE <u>14020</u>	JOB LOCATION
SUBMITTED BY		DATE OF PLANS	JOB PHONE

We hereby submit specifications and estimates for:



Install 281' of 6' high white vinyl
Install 1- 4' walk gate all black / system
Install 4' all black system 4' high
\$ 10,500.00

Install 281' of 6' high dogeared
pressure treated
Install 1- 4' high all black system
gate / fence 4'
\$ 7,000.00

We Propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

_____ dollars (\$ _____)

PAYMENT TO BE MADE AS FOLLOWS:

All material is guaranteed to be as specified. All work to be completed in a substantial workmanlike manner according to specifications submitted per standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmens Compensation Insurance.

Authorized
Signature _____

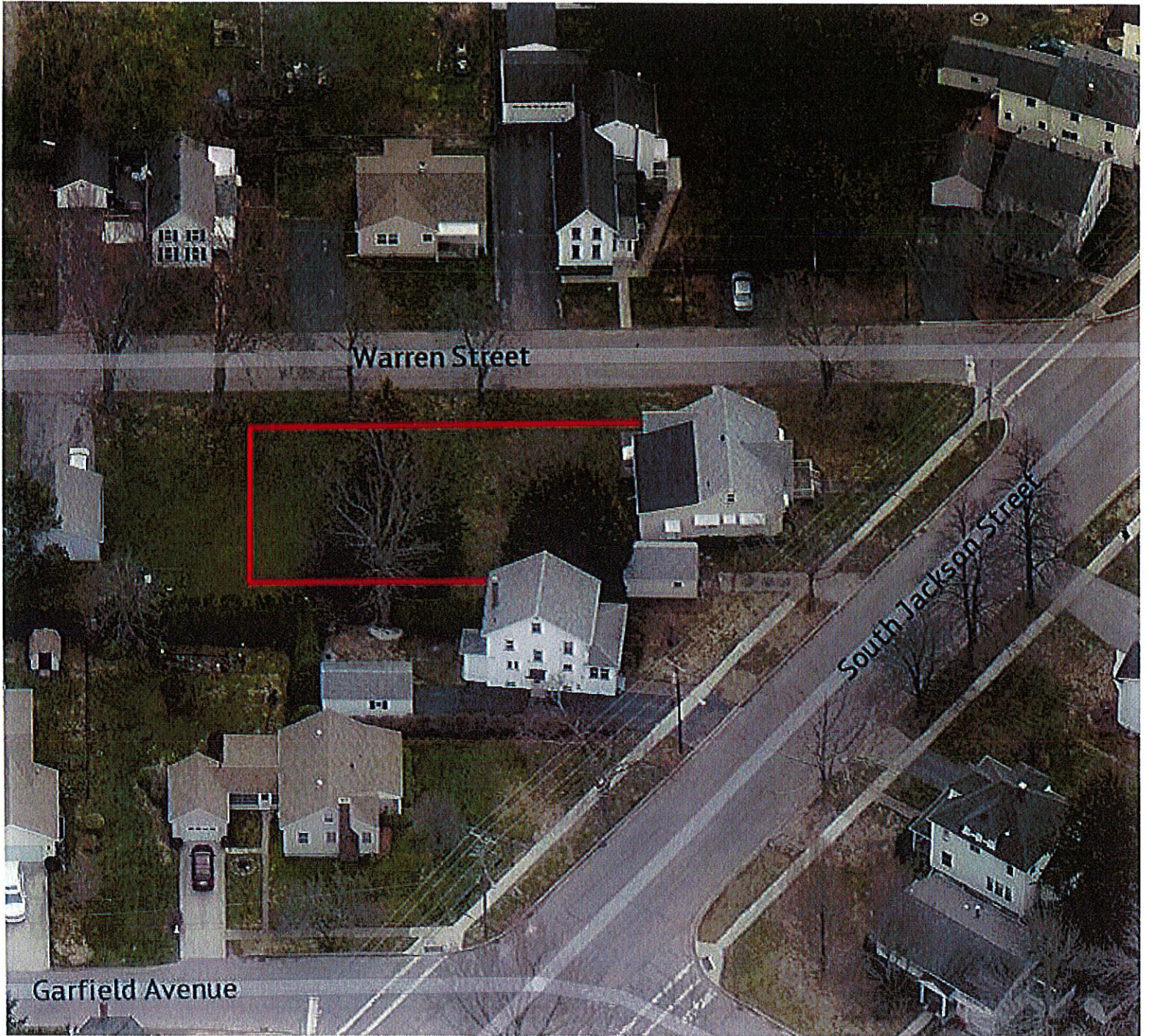
Note: This proposal may be
withdrawn by us if not accepted within _____ days.

Acceptance of Proposal The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance _____

Signature _____

Signature _____



Warren Street

South Jackson Street

Garfield Avenue

R/O CAMPBELL, MICHAEL S.
LIBER 847, PAGE 354

GREGORY W. TOWNSEND
Licensed Land Surveyor
115 Washington Avenue
Batavia, New York 14020
Phone (585) 344-1331
gwtownsendsurvey@gmail.com

LOT - 41

LOT - 31

80.00'

Pin
0.39' E.

Fnc.
1.0' E.

6' Wd. Fnc.

Fnc.
3.8' E.

Fnc.
2.9' E.

Lg. Pin
0.23' E.

98°07'00"

46.0'

LOT - 32

80.0'

PARCEL SURVEYED
CONTAINING
0.296 +/- ACRES
LIBER 887, PAGE 77

LOT - 33

LOT - 39

Pipe
0.99' E.

80.0'

Porch

10.79'

12.9

20.5

Garage

10.39'

30.4

2.9

8.3'

9.06'

192.18'

1 1/2 Sty. Wd.
Fr. Hse.
No. 325

Pipe
0.62' E.
0.07' N.

127°55'51"

Concrete Drive

Porch

Fence

13.46'

13.1

12.7

13.0

8.16' W.

Porch

100.18' Mea. & 101.1' Map

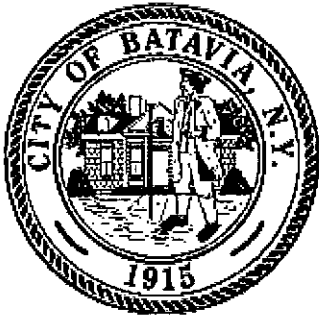
SOUTH JACKSON STREET
101.43' Mea. & 102.2' Map
66.0' R.O.W.

"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."

BOUNDARY SURVEY SHOWING THE PARCEL
TO BE CONVEYED BEING PART OF ORIGINAL



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: 12/27/19

Re: 653 Ellicott St.
Tax Parcel No. 97.008-1-4

Zoning Use District: I-1

The applicant, Eric Biscaro (property owner), has filed an application to convert an existing warehouse space to automobile repair shop/mechanic shop/public garage.

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 of the zoning ordinance, the Planning and Development Committee shall review any application that includes non-permitted uses and make recommendation to the ZBA.

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. Automobile repair shop/mechanic shop/public garage is not an approved principal use within the I-1 use district.**

The ZBA 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) 815-7901

DEPARTMENT USE ONLY:
GCDP Referral # _____



*** GENESEE COUNTY *
PLANNING BOARD REFERRAL**

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

1. REFERRING BOARD(S) INFORMATION

Board(s) ZBA and PDC
Address One Batavia City Centre
City, State, Zip Batavia, NY 14020
Phone (585) 345 - 6345 Ext. _____

2. APPLICANT INFORMATION

Name Eric Biscaro
Address 653 Ellicott St.
City, State, Zip Batavia, NY 14020
Phone (585) 356 - 4423 Ext. _____ Email ericbiscaro@gmail.com

MUNICIPALITY: ☒ City ☐ Town ☐ Village of Batavia

3. TYPE OF REFERRAL: (Check all applicable items)

- | | | |
|--|--|---|
| <input type="checkbox"/> Area Variance | <input type="checkbox"/> Zoning Map Change | <input type="checkbox"/> Subdivision Proposal |
| <input checked="" type="checkbox"/> Use Variance | <input type="checkbox"/> Zoning Text Amendments | <input type="checkbox"/> Preliminary |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Comprehensive Plan/Update | <input type="checkbox"/> Final |
| <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Other: _____ | |

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:

- A. Full Address 653 Ellicott St.
B. Nearest intersecting road Cedar St.
C. Tax Map Parcel Number 97.008-1-4
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 A.
- C. Please describe the nature of this request Approval of use variance to create automobile repair shop/mechanic shop/
public garage.

6. ENCLOSURES – Please enclose copy(s) of all appropriate items in regard to this referral

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Local application | <input type="checkbox"/> Zoning text/map amendments | <input type="checkbox"/> New or updated comprehensive plan |
| <input type="checkbox"/> Site plan | <input type="checkbox"/> Location map or tax maps | <input checked="" type="checkbox"/> Photos |
| <input type="checkbox"/> Subdivision plot plans | <input type="checkbox"/> Elevation drawings | <input checked="" type="checkbox"/> Other: <u>Cover letter</u> |
| <input checked="" type="checkbox"/> SEQR forms | <input type="checkbox"/> Agricultural data statement | |

7. CONTACT INFORMATION of the person representing the community in filling out this form (required information)

Name Douglas Randall Title Code Enf. Officer Phone (585) 345 - 6327 Ext. _____
Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020 Email drandall@batavianewyork.com



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____

Hearing Date/Time: _____

APPLICANT: Eric Biscaro ericbiscaro@gmail.com

Name	<u>653 Ellicott St</u>	E-Mail Address	<u>585-356-4423</u>
Street Address	<u>Batavia</u>	Phone	<u>14020</u>
City	<u>N.Y.</u>	State	<u>Zip</u>

STATUS: ☒ Owner ☐ Agent for Owner ☒ Contractor

OWNER: Same

Name	E-Mail Address		
Street Address	Phone	Fax	
City	State	Zip	

LOCATION OF PROPERTY: 653 Ellicott St Batavia

DETAILED DESCRIPTION OF REQUEST: Use Variance To Remodel an existing Building To allow us To Have a 2 Bay 26'x37'x14' high mechanic shop

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.

<u>[Signature]</u>	<u>12-13-19</u>
Applicant's Signature	Date
<u>[Signature]</u>	<u>12-13-19</u>
Owner's Signature	Date

To be Filled out by Zoning Officer

TAX PARCEL: 97.008-1-4 ZONING DISTRICT: I-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 190-15 A Automobile repair Shop/Mechanic Shop / Public Garage is not a permitted principal use.

PAID

JAN - 3 2020

CITY OF BATAVIA
CLERK-TREASURER

Received

DEC 26 2019

City of Batavia
Inspection Bureau

DEC 26 2019

City of Batavia
Inspection Bureau

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"

*Variance Request is To Be able to change
Part of Existing Building into a 962 sq ft
Service Garage To do oil changes, Brake
work, Vehicle Inspections and Small mechanical Repairs*

(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"

*653 Ellicott Plaza Has always catered To Local Businesses
Typically in the residential construction Trades and we were full
For years - The last 5 yrs we host a Kitchen cabinet store, a
commercial printer, ~~equipment~~ Equipment Dealer, and a sign shop
We have To much empty space with no one that needs it.*

*The other properties in The vicinity don't cater To Local Small
Business rentals - Chopina has themselves and a Hughes Tenant in OUTKA
25-30 yrs ago there were Small Businesses everywhere
Today with no population growth in W.N.Y. and The Big
Box Stores (Home Depot, Wal-Mart, Amazon) its a changed Environment*

*I need a sensible Variance To adapt some of my Space To
what would be a nice addition to our plaza*

DEC 26 2019

City of Batavia
Inspection Bureau

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"

Very little change.
 - add 4 parking spots 400' off the Road
 - Not going to change Ellicott St Traffic (may make it less)
 - not looking for a sign
 - no change in landscape, or footprint of structures.
 - Low to no noise - no smoke - no impact whatsoever!
 - There is a small service shop (paint shop) 2 doors east on same side - nice place - I'm asking for less

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"

it's not self-created as I did not build the
 huge Plaza on the west side of town and put
 the big boxes store there - more did I create
 a mazon.

I am respectfully asking for a small, sensible
 variance for a guy (me) that's worked here
 and been a good business citizen for 42 years



Eric Bisgano

Applicant's Signature

Date

Provider of Financial Evidence

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: 653 Elliott St Batavia

A. PROPERTY DATA

1. Date property was purchased by current owner 1986
2. Was a Certificate of Occupancy issued? yes
Date of Issuance? 1987
If so, for what use(s)? Building supply
If not, why? _____
3. Cost of Purchase \$38,000 For Empty Lot in 1986
4. a) Amount of Mortgage _____ 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 none

6. Present value of property assessed at \$315,000.-
Source(s) Tax Bill

Received

DEC 26 2019

City of Batavia
Inspection Bureau

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

USE	INCOME
1. <u>Classic Home Improvements</u>	<u>1,400.-</u>
2. <u>Counter Top Shop</u>	<u>1,200.-</u>
3. <u>Batavia Garage Door</u>	<u>650.-</u>
4. <u>Armer Bldg Supply</u>	<u>3,400.-</u>
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
TOTAL RENTAL INCOME	<u>month 6,650.-</u>
LESS VACANCY FACTOR	_____
(Attach explanation if greater than 8%)	_____
TOTAL GROSS INCOME	<u>month 6,650</u>
	<u>anual 79,800.-</u>

See attached sheet

C. ANNUAL EXPENSES

1. <u>Annual Fixed Charges</u>	
Real Estate Taxes (City & County)	<u>X \$7267.97 - School</u>
Insurance	<u>X \$5982.22 - City - County - Med mandats</u>
Average Annual Interest (over next 5 years)	<u>0 - 10,000 - ?</u>
2. <u>Operating Expenses</u>	
Electric	_____
Fuel	<u>3 paid by Tenants</u>
Water	_____
Advertising	<u>\$1200 - 2000 last couple of years</u>
Miscellaneous (attach explanation)	_____
3. <u>Maintenance Expenses (attach list)</u>	
Repairs	<u>18,000 average anual</u>
General Building Maintenance	_____
Yard and Ground Care	<u>\$3500 - annually mowing - plowing - weeds - gravel</u>
Miscellaneous	_____
TOTAL ANNUAL EXPENSES	<u>\$48,297.60 - \$59,097.60</u>
Profit or Loss	_____

tenant	or 1.00/sq ft	enclosed storage	open shed
Classic Home Improvement \$1400.-	2600 sq ft	1600 sq ft	
Custom laminated Counter Tops \$1200.-	2200 sq ft	600 sq ft	
Batavia Ceiling Port \$650.-	700 sq ft	600 sq ft	
Armor Building Supply \$3400.-	3000 sq ft	1400 sq ft	4860 sq ft
\$700.- Vacant - West side offices of Armor Bldg	1200 sq ft		
\$600.- Vacant - West side of window barn	2300 sq ft	2300 sq ft	
\$450.- Vacant - 26x90 open shed in rear			2340 sq ft
Total sq ft	9700 sq ft	19,100 sq ft	7200 sq ft
Vacant sq ft	1200 sq ft	2300 sq ft	2340 sq ft
% Vacant	12.37 %	12 %	32.5 %

36000 sq ft total - 5840 sq ft Vacant or 16.22% vacant

after enclosing proposed 960 sq ft space I will realize
\$600 per month or \$7200 annually



D. TOTAL INVESTMENT


1. Down payment..... many Down Payments thru the years
2. Capital Improvements (attach list) 450,000 - many Additions + additions
3. Principal Paid to date (original mortgage less
current principal balance)..... paid in Full

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

450,000 approx

E. RATE OF RETURN = Profit or Loss

TOTAL INVESTMENT


Signature of Preparer

12-26-19
Date

owner
Profession of Preparer

Received

DEC 26 2019

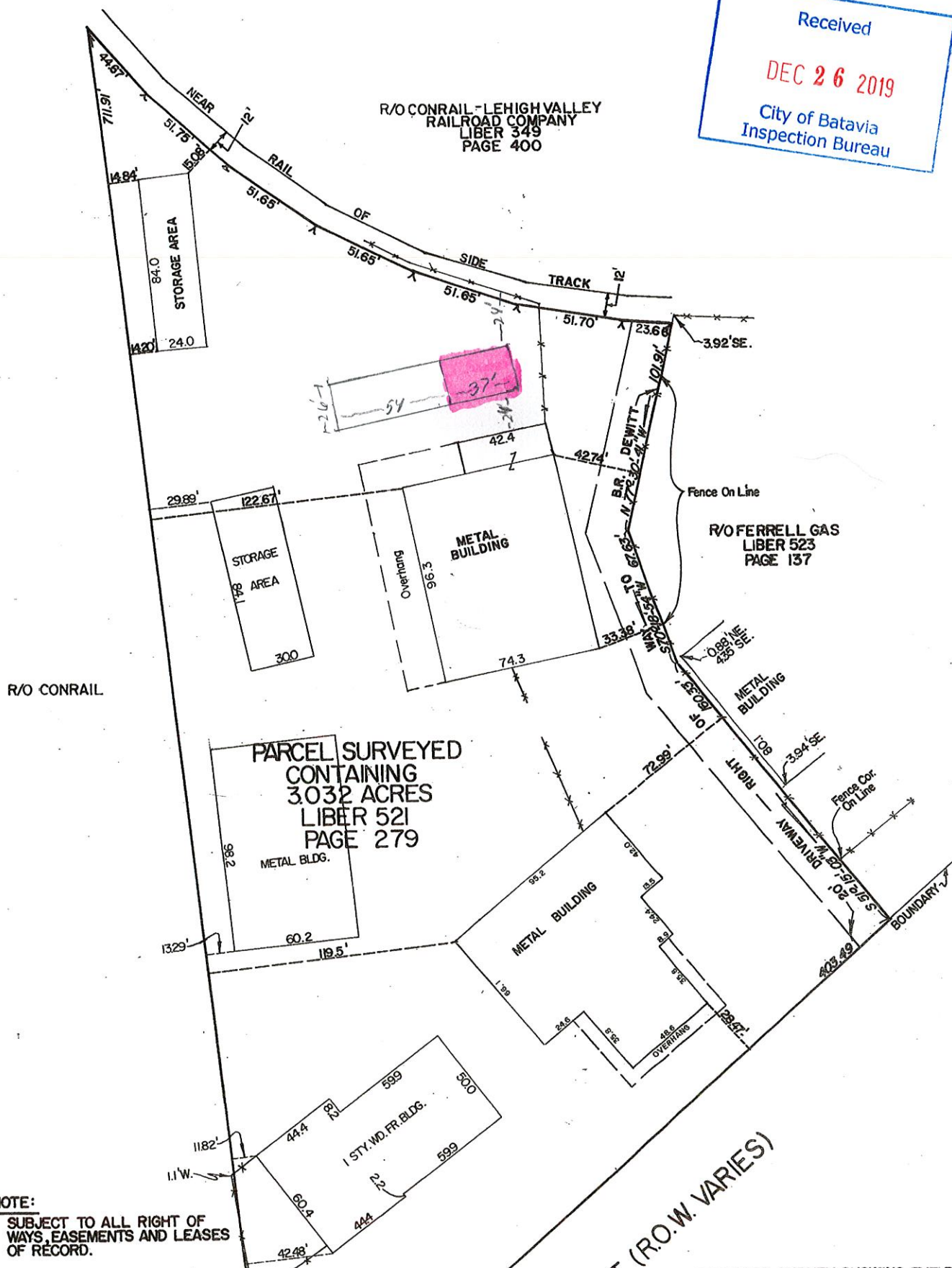
City of Batavia
Inspection Bureau

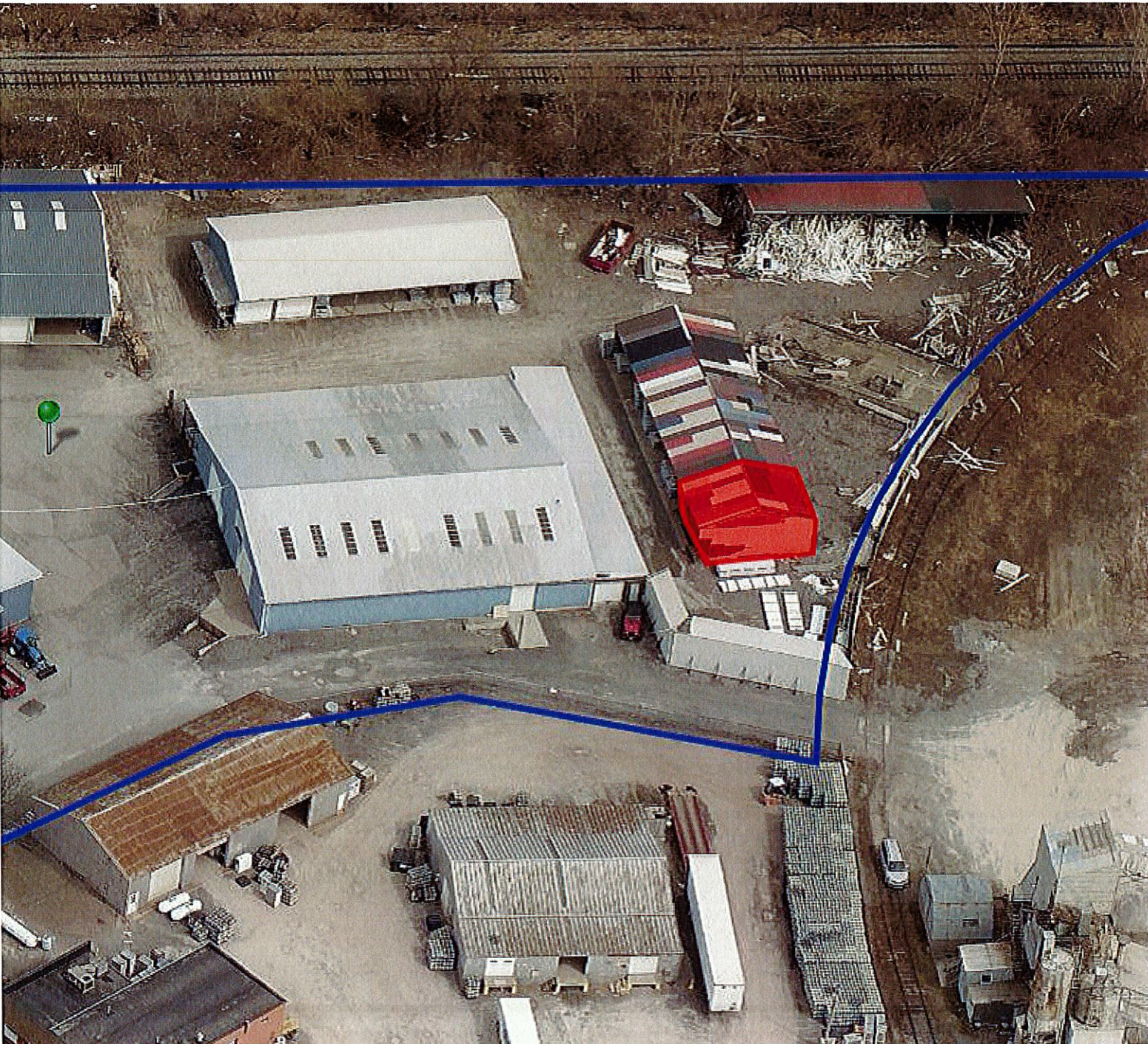
NORTH

Received

DEC 26 2019

City of Batavia
Inspection Bureau







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							
2 Bay Service Garage Eric Biscaro, armor Building Supply							
Name of Action or Project: 2 Bay Service Garage in Existing Building							
Project Location (describe, and attach a location map): 653 ELlicott ST Batavia							
Brief Description of Proposed Action: Revamp 1/2 existing shed into a 2 Bay Service Shop for Light Vehicle repair							
Name of Applicant or Sponsor: Eric Biscaro		Telephone: 585-356-4423					
		E-Mail: ebiscaro@gmail.com (Eric Biscaro)					
Address: 653 ELlicott ST							
City/PO: Batavia N.Y.		State: N.Y.	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%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;">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: Building permit from City of Batavia			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>	NO	YES		X
NO	YES						
	X						
3.a. Total acreage of the site of the proposed action?		.02 acres					
b. Total acreage to be physically disturbed?		0 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		3.1 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 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 <input checked="" type="checkbox"/>	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 <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: _____	NO <input checked="" type="checkbox"/>	YES	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES	
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: <u>it will be over insulated</u>	NO	YES <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: _____	NO	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES <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?	NO <input checked="" type="checkbox"/>	YES	
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?	NO <input checked="" type="checkbox"/>	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: _____	<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 type="checkbox"/> Urban <input checked="" 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 <input checked="" type="checkbox"/>	YES	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	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: <u>nothing will change.</u> <input type="checkbox"/> NO <input type="checkbox"/> YES	NO <input checked="" type="checkbox"/>	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
	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>Eric Discaro</u>		Date: <u>12-26-19</u>
Signature: <u>EB</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.

- ☐ 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)