

ZONING BOARD OF APPEALS

Thursday, November 19, 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 22, 2020 minutes
- V. Statement about the role of the Zoning Board of Appeals and the procedure it follows
- VI. Variance Requests

A. Request #1 *16 Meadowcrest Dr.*
Patsy Rapone, owner

Area Variances: Construct a 13' x 20' open-sided carport on the north side of the attached garage. A portion of the projection will be located within the 8' side yard clear space

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

B. Request #2 *12 Cone St.*
Mark Woodruff, owner

Area Variance: Place a 10' x 16' one story wood frame shed in the southwest corner of this corner lot property

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

C. Request #3 *45-47 Ellicott St.*
Mike Hodgins, sign contractor

Area Variance: Replace four existing internally illuminated sign face panels identifying the existing business. The signs are located within the Central Commercial District / Business Improvement District

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

D. Request #4

11 Evergreen Dr.
David O'Geen, owner

Area Variance: Construct a one-story wood frame addition on the northeast corner of this single-family dwelling. The addition will be located within the required front yard clear space

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

E. Request #5

16 Ellicott Ave.
Tracy Battaglia, owner

Area Variance: Place a 4' tall lattice panel on top of an existing 6' tall fence. This construction would result in a 10' tall fence located along portions of the north lot line

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

F. Request #6

6 Osterhout Ave.
Colin Cooper, owner

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

Area Variance: Place a 4' tall fence within 15' of the front property

VII. Approval of 2021 Meeting Dates

VIII. Setting of Next Meeting: December 17, 2020

IX. Adjournment

ZONING BOARD OF APPEALS
Draft Minutes
Thursday, October 22, 2020
6:00 pm
Council Board Room
One Batavia City Centre, Batavia, NY

Members present: *Jeff Gillard, Nick Harris, Paul McCarthy, Leslie Moma*

Members absent: Deborah Kerr-Rosenbeck, Jim Russell

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

I. Roll Call

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

II. Call to Order

Mr. McCarthy called the meeting to order at 6:04 pm.

III. Pledge of Allegiance

IV. Approval of Minutes

Approval of July 23 and August 27, 2020 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: construct a new front entrance porch with stairs. The stairs are proposed to project into the clear yard space 1' more than the existing stairs

Address: *34 Prospect Avenue.*

Applicant: Kyle Eldridge, agent for the owner

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

1. Review Application

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

2. Public Hearing and Discussion

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

RESULT: Public hearing opened at 6:09 pm.

Mr. Eldridge told the board that the existing concrete stairs are falling apart and need to be replaced. He said that he would like to construct the replacement stairs from pressure treated wood, and to add a step in order to make it easier for the owners, an elderly couple, to go up and down.

Ms. Moma asked if the existing steps will be removed. Mr. Eldridge answered that the existing porch will remain but the steps are broken and will be removed.

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

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

RESULT: Public hearing closed at 6:10 pm.

3. Action by the Board

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

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no
- Self-created: no

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

RESULT: Area Variance approved.

- B. Area Variance: construct a 5' x 26' roof projection over the two side entry doors on the south side of the dwelling. This projection will be located within the required side yard setback

Address: 230 Ross Street

Applicant: Joseph Mahler, owner

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

1. Review Application

Mr. Harris read the summary of the proposal.

2. Public Hearing and Discussion

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

RESULT: Public hearing opened at 6:14 pm.

Mr. Mahler explained that the overhangs do not completely cover the steps leading up to the doors. In the winter, the overhangs ice up, creating hazardous conditions. He would like to make the steps safer by extending the overhangs.

Charles Mahler, neighbor, spoke in support of the project. 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 4-0.

RESULT: Public hearing closed at 6:16 pm.

3. Action by the Board

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

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no
- Self-created: no

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

RESULT: Area Variance approved.

C. Area Variance: place a 49" tall fence that is within 15' of the front property line

Address: *131-133 South Main Street*

Applicant: David Carney, owner

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

1. Review Application

Mr. Harris read the summary of the proposal.

2. Public Hearing and Discussion

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

RESULT: Public hearing opened at 6:20 pm.

Mr. Carney said that the fence has been in place for 30 years and he would like to keep it in the same place it is located now.

Mr. Randall directed the board to examine the survey of the property, and explained that approximately 5' of the fence is located on the City right-of-way. The variance is intended to address only the height of the fence, not the placement. Mr. Carney has been instructed to remove the fence from City property.

Ben Hughson, neighbor, spoke in support of the project. 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 4-0.

RESULT: Public hearing closed at 6:26 pm.

3. Action by the Board

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

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no
- Self-created: no

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

RESULT: Area Variance approved.

VII. Setting of Next Meeting: November 19, 2020

VIII. Adjournment

Mr. McCarthy adjourned the meeting at 6:32 pm.

Meg Chilano
Recording Secretary



GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

| | |
|------------------|----------------|
| GCDP Referral ID | C-14-BAT-11-20 |
| Review Date | 11/12/2020 |

Municipality
Board Name
Applicant's Name
Referral Type
Variance(s)
Description:

| |
|--|
| BATAVIA, C. |
| CITY PLANNING AND DEVELOPMENT COMM. |
| Mike Hodgins |
| |
| Area Variance(s) |
| Area Variance to replace four existing internally lit signs. |

| | |
|-----------------|---------------------------------------|
| Location | 45 Ellicott St. (NYS Rt. 63), Batavia |
| Zoning District | Central Commercial (C-3) District |

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

Given that the signs are replacing existing internally lit signs, the proposed signs should pose no significant county-wide or inter-community impact.

Felix A. Olvera

Director

November 12, 2020

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.

GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION



GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID **C-15-BAT-11-20**

Review Date **11/12/2020**

Municipality

BATAVIA, C.

Board Name

ZONING BOARD OF APPEALS

Applicant's Name

Tracy A. Battaglia

Referral Type

Variance(s)

Area Variance(s)

Description:

Area Variance to extend a 6 ft. high privacy fence to 10 ft. with a 4 ft. lattice.

Location

16 Ellicott Ave., Batavia

Zoning District

Residential (R-1) District

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

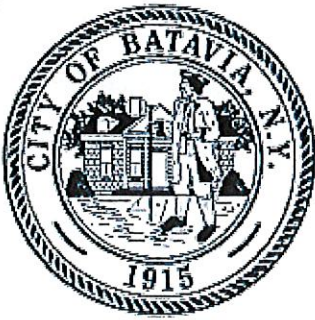
The proposed fence extension should pose no significant county-wide or inter-community impact.

Director

November 12, 2020

Date

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



City of Batavia
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: 10/13/20

Re: 16 Meadowcrest Dr.
Tax Parcel No. 84.009-1-80

Zoning Use District: R-2

The applicant, Patsy Rapone Jr (owner), has filed an application to construct a 13' x 20' open sided car port on the north side of the attached garage. A portion of the projection will be located within the 8' side 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) (11).

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

BMC Sec. 190-29 A. and Schedule I

| | <u>Required</u> | <u>Proposed</u> | <u>Difference</u> |
|--------------------------|-----------------|-----------------|-------------------|
| 1) Side yard clear space | 8' | 5.08' | 2.92' |

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) Zoning Board of AppealsAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345-6345 Ext. _____**2. APPLICANT INFORMATION**Name Patsy Rapone Jr.Address 16 Meadowcrest Dr.City, State, Zip Batavia, NY 14020Phone (585) 297-0831 Ext. _____ Email _____MUNICIPALITY: ☒ City ☐ Town ☐ Village of Batavia**3. TYPE OF REFERRAL:** (Check all applicable items)☒ Area Variance☐ Use Variance☐ Special Use Permit☐ Site Plan Review☐ Zoning Map Change☐ Zoning Text Amendments☐ Comprehensive Plan/Update☐ Other: _____

Subdivision Proposal

☐ Preliminary☐ Final**4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:**A. Full Address 16 Meadowcrest DrB. Nearest intersecting road EdgewoodC. Tax Map Parcel Number 84.009-1080

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

E. Present zoning district(s) R-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 Sched. 1C. Please describe the nature of this request Approval to place a 13' x 20' open carport on the north side of garage partially within the side yard clear space.**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



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS



Application No.: 20-16
Hearing Date/Time: _____

APPLICANT: Patsy A Rapone Jr
Name 16 Medocrest DR E-Mail Address _____
Street Address Batavia NY 14020 Phone 585-2970831 Fax _____
City NY State NY Zip 14020

STATUS: ☒ Owner ☐ Agent for Owner ☐ Contractor

OWNER: Patsy Rapone Jr
Name 16 Medocrest DR E-Mail Address _____
Street Address Batavia Phone NY Fax 14020
City NY State NY Zip 14020

LOCATION OF PROPERTY: Side of garage

DETAILED DESCRIPTION OF REQUEST: Side of garage 13 x 20
Lean Tube for my new car

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.

Patsy A Rapone Jr 5/5/20
Applicant's Signature Date
Patsy A Rapone Jr 5/5/20
Owner's Signature Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.009-1-80 ZONING DISTRICT: R-2 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 Sched. 1
Sideyard clear space shall be a minimum of 8'

Criteria to Support Area Variance

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

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

1. Undesirable Change in neighborhood Character. The granting of the variance will not produce an undesirable change in the neighborhood or a detriment to nearby properties.

NO WILL NOT CHANGE CHARACTER.
AND MY NEIGHBOR HE LIKES IT I SHOWED
IT TO HIM

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.

THAT IS A CONCRETE PAD ALREADY THERE
THE POST START 12 INCHES OR PAD SANTA TUBES
42 INCHES DOWN

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

NO

4. Adverse Effect or Impact. The requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or community.

NO MY NEIGHBORS ON BOTH SIDES AND ACROSS
THE STREET LOVE IT I SHOWED THE PLANS TO
ALL MY NEIGHBORS

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

Patty A. Rapone II
Applicant's Signature

5/5/20
Date

DATE: 10/2/20APPLICANT NAME & PHONE: Patsy A Rapone Jr 585-297-8301**Project Location and Information**

Permit #: _____

Fee: _____

Address of Project: 16 Medocrest DROwner & Address: Patsy Rapone Jr 16 Medocrest DRPhone: 585-297-8301**Project Type/Describe Work**Estimated cost of work: \$1500Start date: SOON as possible

Describe project:

Lean Tube off garage
20x13 290sq feet roof 8 bundles architectural shingles
1 Roll 15p felt 1 Roll ice shield 16 2x8x14 9 4x8 5/8 plywood
3 6x8x7 2 8x8x10**Contractor Information** – Insurance certificates (liability & workers comp) required being on file**GENERAL**

Name/Address: _____

Phone: _____

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

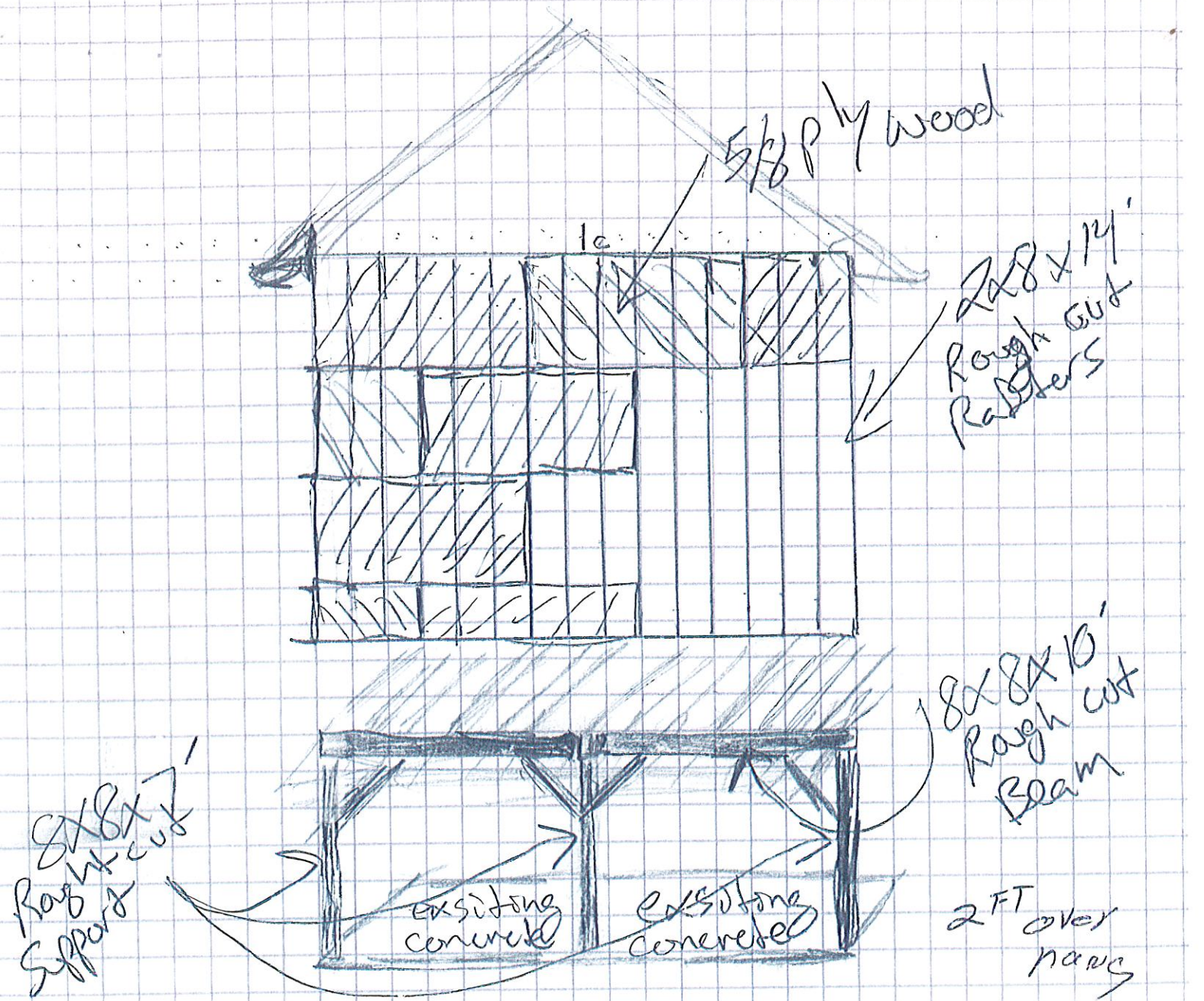
Zoning District: _____ Flood Zone: _____ Corner Lot: _____ Historic District/Landmark: _____

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

National Grid Sign Off (Pools): _____ Lot Size: 160'00 75'00

Existing Use: _____ NYS Building Code Occupancy Class: _____

Proposed Use: _____ NYS Building Code Occupancy Class: _____



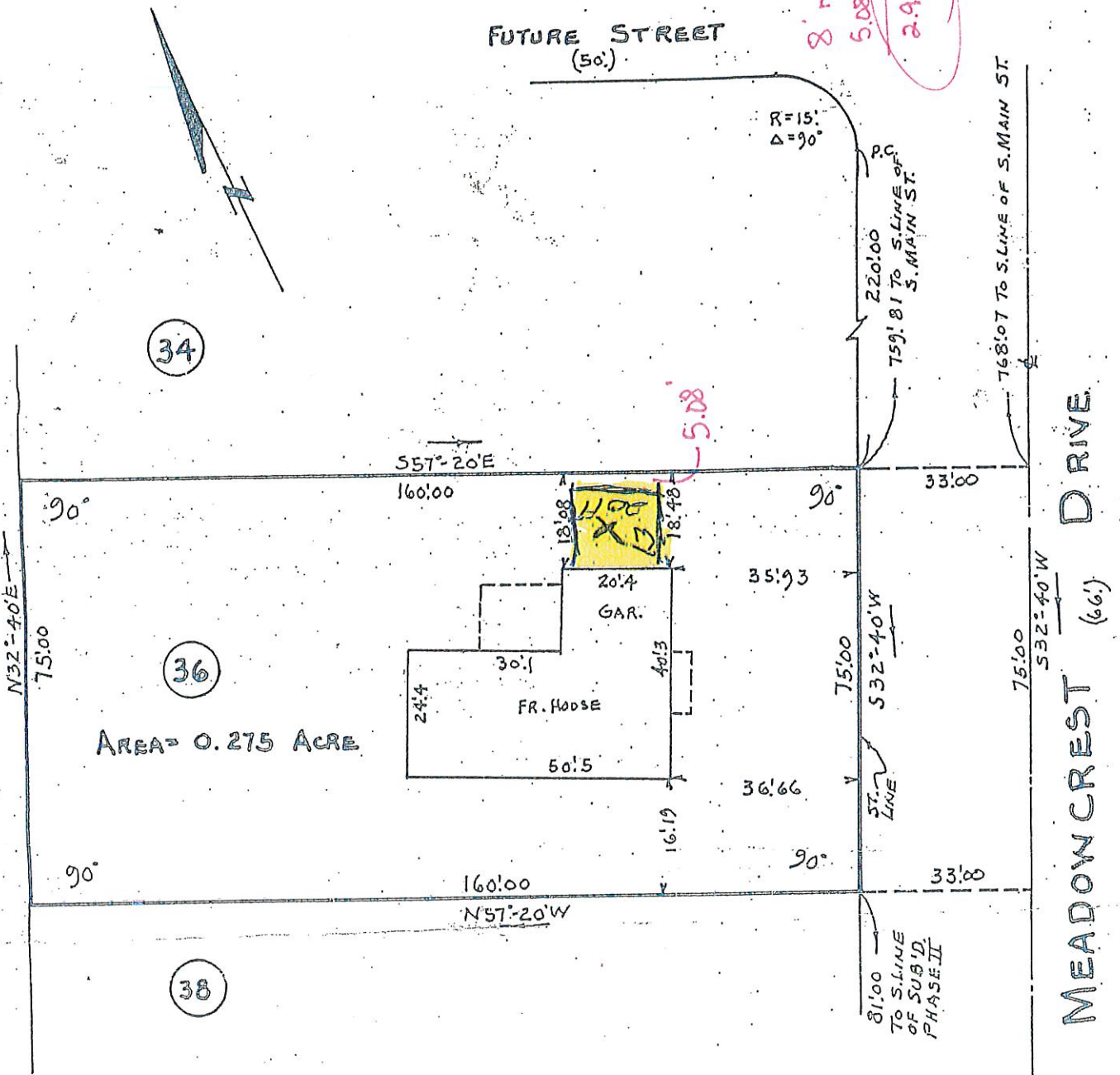
280 sq feet Roof

8 bundles Architectural shingles

1 Roll 15 lb felt

1 Roll ice water

| | |
|----|-----------------|
| 16 | 2x8x14' |
| 9 | 4x8x5/8 plywood |
| 3 | 8x8x7' |
| 2 | 8x8x10' |



REF: MAP FILED IN G.C.C.O.
1012

MAP OF A SURVEY
OF LAND TO BE CONVEYED
BEING LOT 36, McWETHY SUB'D., PHASE II
ROLLING HILLS
IN THE
CITY OF BATAVIA
GENESEE COUNTY, NEW YORK

THOMAS F. DUTTON
LAND SURVEYOR
5715 W. MAIN STREET
LAKEVILLE, N.Y.

SCALE: 1 IN. = 30 FT.

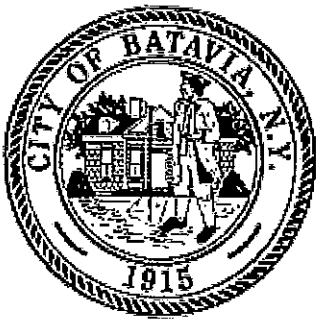
JUNE 14, 1984

I CERTIFY TO:

- 1) FIRST FEDERAL SAVINGS & LOAN ASSOCIATION
OF ROCHESTER

Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors.





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: 10/26/20
Re: 12 Cone St.
Tax Parcel No. 84.073-1-29

Zoning Use District: R-2

The applicant, Mark Woodruff (owner), has filed an application to place a 10' x 16' one story wood frame shed in the southwest corner of this corner lot property.

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:

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 190-35 D. Accessory buildings are not permitted to occupy spaces other than a rear yard.



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

PAID
OCT 27 2020
CITY OF BATAVIA
CLERK-TREASURER

Application No.: _____
Hearing Date/Time: _____

APPLICANT: Mark M. Woodruff woodruff64@gmail.com
Name E-Mail Address
12 Cone Street (585) 356-0067
Street Address Phone
Batavia NY 14020
City State Zip

STATUS: ☒ Owner ☐ Agent for Owner ☐ Contractor

OWNER: Mark M. Woodruff woodruff64@gmail.com
Name E-Mail Address
12 Cone Street (585) 356-0067
Street Address Phone
Batavia NY 14020
City State Zip

LOCATION OF PROPERTY: 12 Cone Street, Batavia, NY 14020

DETAILED DESCRIPTION OF REQUEST: To obtain an area variance to
locate a storage shed, not to exceed 10' x 16' in
side/back yard of my 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.

Mark M. Woodruff
Applicant's Signature

10/14/2020
Date

Mark M. Woodruff
Owner's Signature

10/14/2020
Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.073-1-29 ZONING DISTRICT: R-2 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 190-35 D Accessory Bldgs not
Permitted to occupy spaces other than a rear yard.

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.
It will not.
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 is not.
3. Substantiality. The requested area variance is not substantial. It is not.
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.
It will not.
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. It was not.

Mark M. Woodruff
Applicant's Signature

10/14/2020
Date

DATE: 10/14/2020

APPLICANT NAME & PHONE: Mark M. Woodruff (585) 356-0067

Project Location and Information

Permit #:

Fee:

Address of Project: 12 Cone Street, Batavia, NY

Owner & Address: Mark Woodruff, same as above

Phone: (585) 356-0067

Project Type/Describe Work

Estimated cost of work: \$4000

Start date: 4/1/2021

Describe project:

Portable shed, not to exceed 10'x16' on south west corner of property

Contractor Information – Insurance certificates (liability & workers comp) required being on file

GENERAL

Name/Address: _____

Phone: _____

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: _____

DAVID S. LAMENDOLA
GREGORY W. TOWNSEND
Licensed Land Surveyors
635 East Main Street
Batavia, New York 14220
Phone (585) 344-1331
Fax (585) 343-2831

CONE STREET (49.5' R.O.W.)

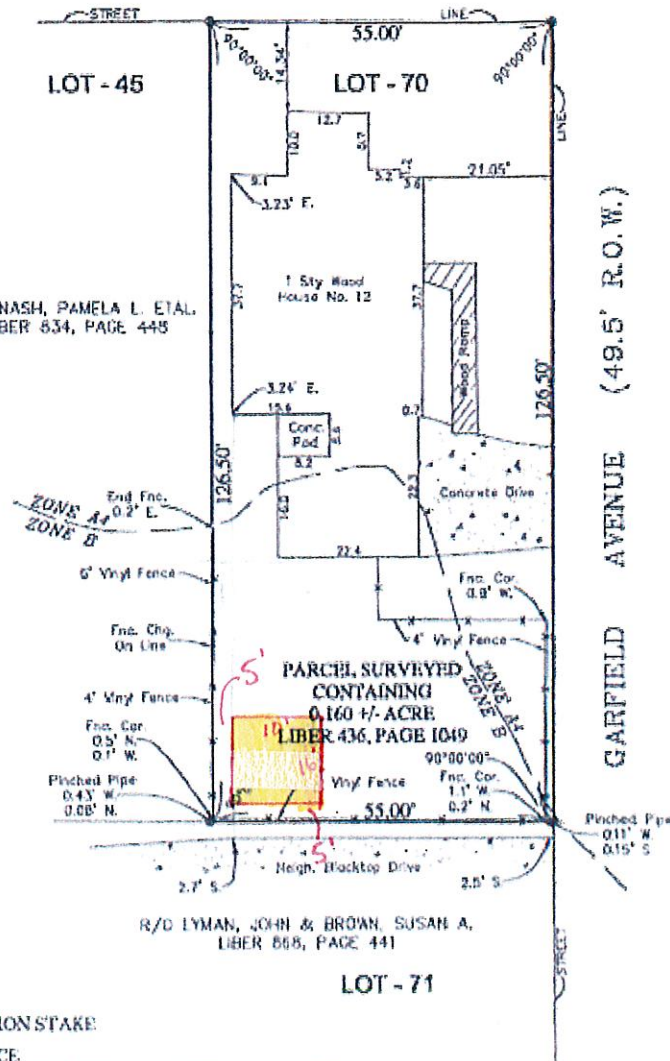


R/O NASH, PAMELA L. ETAL.
LIBER 534, PAGE 445

LOT - 45

LOT - 70

GARFIELD AVENUE (49.5' R.O.W.)



R/O LYMAN, JOHN & BROWN, SUSAN A.
LIBER 555, PAGE 441

LOT - 71

LEGEND
● EXISTING IRON STAKE

REFERENCE
HORAT B. CONE SUBDIVISION FILED
AT BOOK 1 OF MAPS, PAGE 11

NOTE:
- FLOOD ZONES MAILED FROM FLOOD INSURANCE RATE MAP,
CITY OF BATAVIA, COUNTY OF GENESSEE, STATE OF NEW YORK
00016, EFFECTIVE DATE SEPTEMBER 16, 1982

BOUNDARY SURVEY SHOWING THE PARCEL
TO BE CONVEYED BEING SUBDIVISION LOT
NO. 70 OF THE HORAT B. CONE SUB-
DIVISION, SITUATE IN THE CITY OF
BATAVIA, COUNTY OF GENESSEE AND STATE
OF NEW YORK

JUNE 29, 2010 SCALE 1" = 20'
JOB No. 10-175

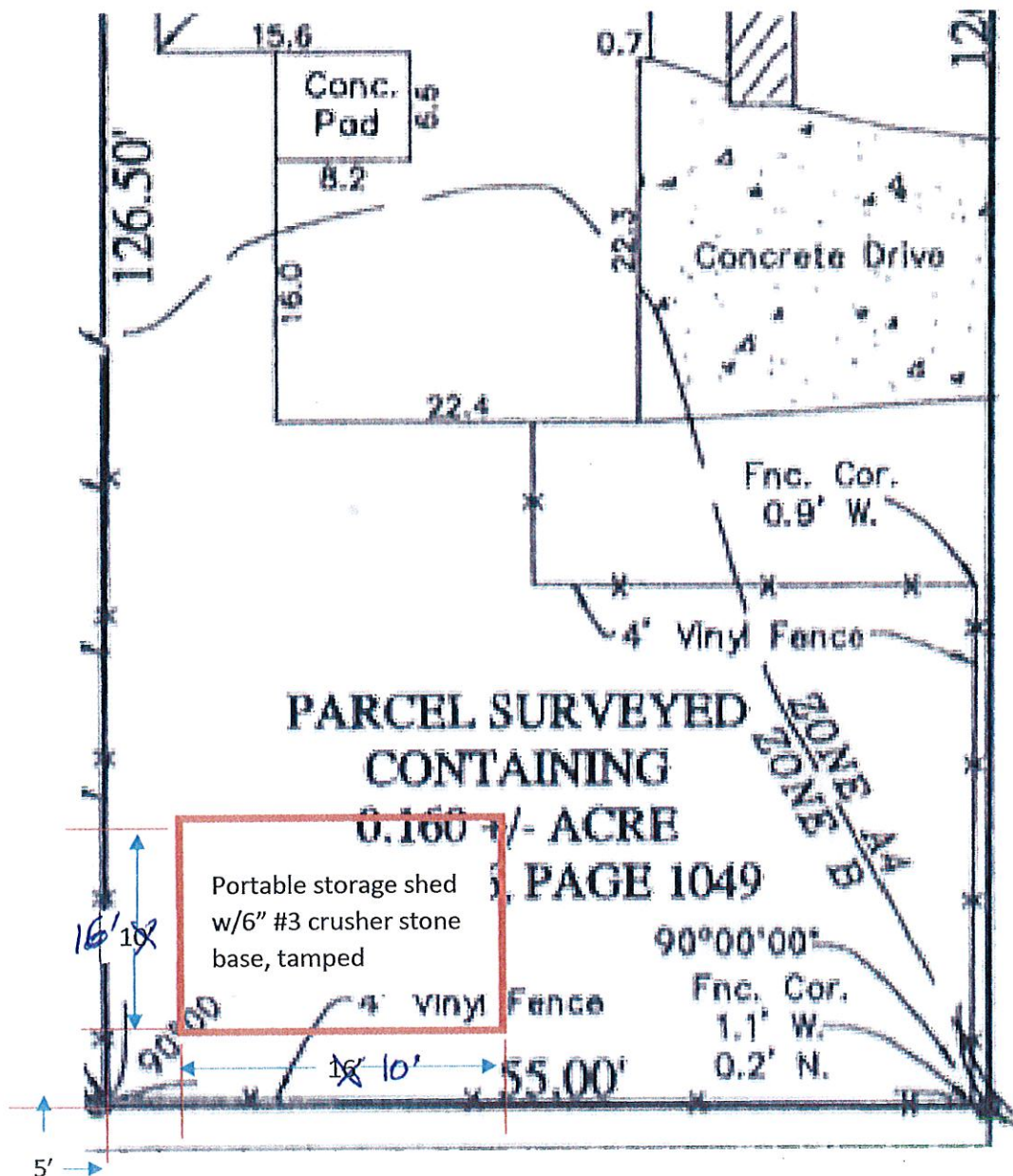
David S. Lamendola
DATE N.Y.S.R.L.S. No. 50240

UNAUTHORIZED ALTERATION OR ADDITIONS
TO A SURVEY MAP BECOMES A DEFENSE AND
SURVEYORS SIGN IS A VIOLATION OF SECTION
1700A, SUB-DIVISION 2, OF THE NEW YORK
STATE SURVEYING LAW.

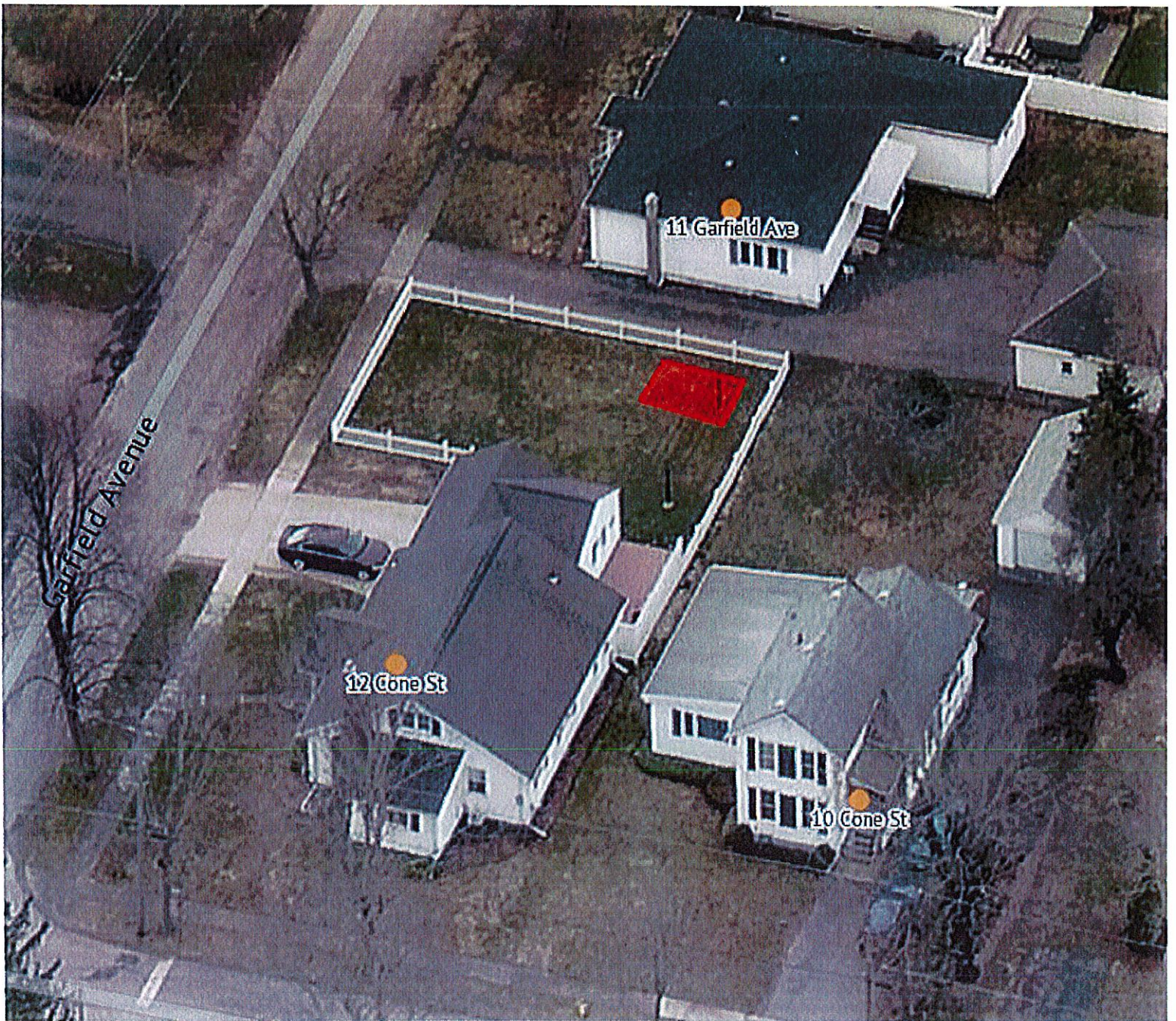
"ONLY COMES FROM THE ORIGINAL OF THIS
SURVEY MAPS WILL BE ORIGINAL OF THE
LAND SURVEYING BOARD AND SHALL
BE CONSIDERED TO BE VALID THIS OFFICE"

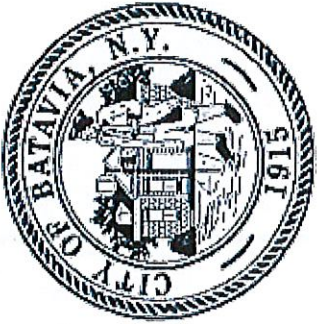
"CERTIFICATIONS INDICATED HEREON VERIFY
THAT THIS SURVEY WAS PREPARED IN ACCORDANCE
WITH THE EXISTING CODE OF PRACTICE FOR LAND
SURVEYING ADOPTED BY THE NEW YORK STATE
ASSOCIATION OF PROFESSIONAL LAND SURVEYORS
AND CONVEYANCE SHALL BE ONLY TO THE
PERSON FOR WHOM THE SURVEY IS PREPARED,
AND ON BEHALF ONLY TO THE SURVEY COMPANY,
GOVERNMENTAL AGENCY AND LICENSED SURVEYOR
LIMITED HEREON, AND TO THE ADDRESS OF THE
LAND SURVEYING CERTIFICATION AND NOT
TRANSFERABLE TO ANY OTHER INSTITUTION OR
SURVEYING OFFICE"

Property Survey - Reference



Shed inset from property-
line by 5' each side





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: 10/27/20

Re: 45-47 Ellicott St. (Save A Lot)
Tax Parcel No.

Zoning Use District: C-3

The applicant, Mike Hodgins (sign contractor), has applied for approval to replace four existing internally illuminated sign face panels with new internally illuminated face panels identifying the existing business. The signs are located within the Central Commercial District / Business Improvement District.

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) (1).

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 190-43 EE., the Planning and Development Committee shall review and issue recommendations to the ZBA for variances pertaining to signs located within the Central Commercial District (C-3).

Zoning Board of Appeals- Pursuant to section 190-49 and 190-43 EE., the ZBA shall review and act on required variances.

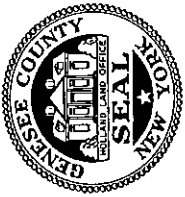
Variance- Area

1) BMC 190-43 Z (8) Internal illumination is not permitted for signs located within the Central Commercial (C-3) District.

BMC 190-43 AA (3) Existing non-conforming signs may change the face panel of a sign that does not meet the area or height standards, but the new panels must conform to the illumination standards of subsection Z.

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) Zoning Board of AppealsAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345 - 6345 Ext. _____Name Mike HodginsAddress 56 Harvester AveCity, State, Zip Batavia, NY 14020Phone (585) 345 - 1030 Ext. _____Email mhodgins@johnsstudio.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 45-47 Ellicott St.B. Nearest intersecting road Jackson StC. Tax Map Parcel Number 84.011-3-7./A

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

E. Present zoning district(s) _____

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 Z (8)C. Please describe the nature of this request Approval to permit internally illuminated signs within the C-3 BID**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 RandallTitle Code Enf. OfficerAddress, City, State, Zip One Batavia City Centre, Batavia, NY 14020Phone (585) 345 - 6327

Ext. _____

Email drandall@batavianewyork.com

PAID

OCT 27 2020



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____
Hearing Date/Time: _____

APPLICANT: Signs by John's Studio whodanis@johnstudio.com
Name _____
56 Harvester Ave 345-1030 343-4469
Street Address _____
Batavia NY State _____
City _____ Zip _____
Phone _____ Fax _____

STATUS: _____ Owner _____ Agent for Owner _____ Contractor ☒

OWNER: V.J. Gantieli Constructors, Inc. vjgantielesgantieles.com
Name _____
45 Liberty St. 343-0852 343-4661
Street Address _____
Batavia, NY State _____
City _____ Zip _____
Phone _____ Fax _____

LOCATION OF PROPERTY: 45-47 Ellicott St. Batavia NY 14020

DETAILED DESCRIPTION OF REQUEST: To replace existing illuminated signs with updated signs reflecting the new logo and graphics of the Save A Lot store. The previous signs at that location were internally illuminated.

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 April J. Gantieli Date 10/20/20
Owner's Signature [Signature] Date 10/21/2020

To be Filled out by Zoning Officer

TAX PARCEL: 84.011-3-7.1A ZONING DISTRICT: C-3 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 190-43.7 (8) Internal illumination
is not permitted in the C-3 BIP.

Criteria to Support Area Variance

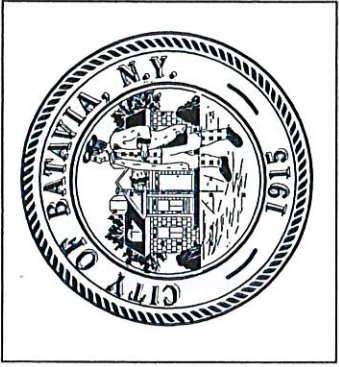
In making its determination, the zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, moral, aesthetics and welfare of the neighborhood or community. The Zoning Board of Appeals shall consider 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 will not produce an undesirable change as the proposed signs will exactly replace the previous.
- 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 area variance being sought is a continuation of the previous use and there is no other way to provide similar signage.
- 3. Substantiality.** The requested area variance is not substantial. The requested variance is not substantial as the proposed sign plan is the same as the previous one.
- 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. There will be no adverse impact in the neighborhood because the use will not change from previous
- 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 use will be no change in use and the existing sign format has been in existence and has not been newly created.

Amir G. Khan
Applicant's Signature

10/20/20
Date



SIGN PERMIT APPLICATION

City of Batavia

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

Permit No.: _____
Date: _____
Zone: _____

84.011-3-7.1A

APPLICANT/OWNER:

Name Signs by John's Studio E-mail Address whodajins@johnsstud.

56 Harvester Ave, 585-345-1030 343-4469 Co
Street Address Phone Fax

Batavia 149 14020
City, State, Zip Code

ADDRESS OF SIGN: 45-47 Elliott Street Batavia

AREA OF SIGN: Length # A 15' 5 1/4" Width 96" Area 123.50 (Wall sign) Internal lit.
B 44" Width 145" Area 44.31 (Pole sign) Non-Conforming sig
Inter. lit.

TYPE OF SIGN:

- # C + D 23.25 36.25 5.85 each (Ent. and Ext. signs)
1. All sign applications must have an illustration of the sign with its dimensions and copy. Inter. lit.
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
☒ Wall

- ☐ Projecting
☐ Marquee
☐ Awning / Canopy
☐ Window
☐ Portable

Set Back 6 ft.
Wall Length 83' 3"

Height 16 ft.
Wall Height 120"

Area 838.5

Length _____
Window Length _____

Height _____
Window Height _____

Area _____
Area _____

Lighting: ☒ Internal

☐ External

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

Wall sign 83 ft x 96" Enter & Exit 2 @ 23.25 x 36.25

Pylon sign 44" x 145"

Applicant's Signature Mario G. Harpurs

Issuing Officer _____

Planning Board Chairperson _____

Date 10/19/20

Date _____

Date _____

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

**RESOLUTION TO SELL PROPERTY TO SUPER DUPER FOR
SERVICE RAMP**

9. Motion of Councilman Franco

WHEREAS, Batavia Super Duper of 2 Alva Place, Batavia, New York, has submitted an offer to purchase certain real property owned by the City of Batavia on the east side of the Montgomery Ward building located in the City of Batavia Court Street Urban Renewal Plaza for purposes of constructing thereof an entrance ramp to said Montgomery Ward building; and

WHEREAS, the City Administrator and City Engineer have reviewed said request and have recommended to this Council that it favorably consider selling the same upon certain terms and conditions; and

WHEREAS, Batavia Super Duper has requested permission to locate entrance and exit signs on City property on the south side of said Montgomery Ward store to which it is relocating;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Batavia that the public use of a strip of land 23.5 feet long by 5 feet wide contiguous to the east side of the Montgomery Ward building, the north end of said strip of land being 115 feet south from the northeast corner of said building and the south end of said strip of land being 55 feet north of the southeast corner thereof, be and the same hereby is discontinued;

BE IT FURTHER RESOLVED that the offer of Batavia Super Duper to purchase said strip of land for \$1.00 be and the same hereby is accepted, provided, that the sale and purchase be made with Vito J. Gautieri of 45 Liberty Street, Batavia, New York, as owner of the contiguous property rather than to Batavia Super Duper, the tenant thereof; and.

BE IT FURTHER RESOLVED that said conveyance to said Vito J. Gautieri be made upon the following conditions:

1. That said purchaser prepare and provide at his sole expense a legal description of the property to be conveyed acceptable to both the City of Batavia engineering and legal departments.
2. That said purchaser enter into a written agreement with the City of Batavia in form acceptable to the City legal department agreeing to construct a sidewalk at purchaser's sole cost and expense to City specifications and in accordance with a timetable to be established by the City of Batavia 10 feet wide by 90 feet long on the east side of said Montgomery Ward building, said sidewalk to extend from the north side of a loading dock on the south northerly to and

abutting the presently existing 10 foot wide sidewalk on the north.

3. That said purchaser agree to maintain, repair and clean all the sidewalk presently existing contiguous to the Montgomery Ward building as well s the one to be constructed by him.

4. That said purchaser at his sole cost and expense maintain, repair and clean the presently existing sign and planter area situated at the intersection of said Ellicott and Jackson Streets.

BE IT FURTHER RESOLVED that this Council grant permission to Batavia Super Duper to erect two (2) 3 foot wide signs on City property at the southwest entrance to the parking lot servicing said Montgomery Ward store, the exact location and size of said signs to be first approved by the City Engineering Department; that said Super Duper be solely responsible for said maintenance and repair of said signs and that the permission to place said signs on City property granted by this resolution be subject to revocation by this Council at any time upon thirty (30) days notice being given by the City to said tenant; and

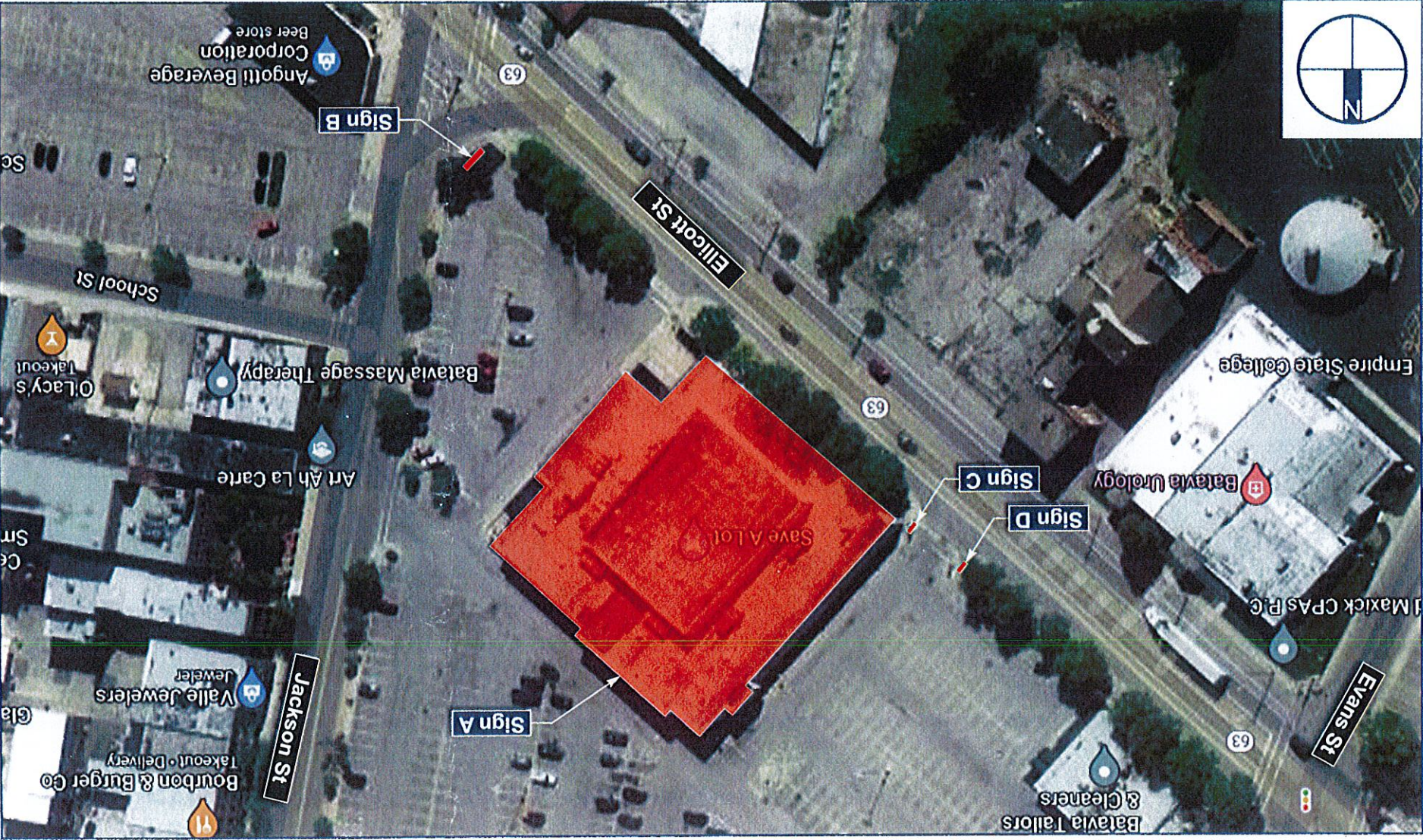
BE IT FURTHER RESOLVED that the Council President be and he hereby is authorized and directed to execute the quitclaim deed and other documents necessary to accomplish the intent of this resolution.

Seconded by Councilman Bostwick and on roll call approved unanimously.

STATE OF NEW YORK
COUNTY OF GENESEE
CITY OF BATAVIA

I hereby certify that the foregoing is a true and correct transcript of a Resolution duly adopted by the City Council of the City of Batavia on the 5th day of October, 1990, and of the whole thereof.

Dated at Batavia, N.Y. October 18, 1990
City Clerk, Batavia, N.Y.



| | |
|-----------------|---|
| SIGN A | 96" Save A Lot 15" food stores |
| Type: | Wall Sign Channel Letters |
| Illumination: | Internally Illuminated LED |
| Square Footage: | 123.50 |
| To Grade: | Top of Sign to Grade = 18'-8 1/4" Bottom of Sign to Grade = 10'-8 1/4" |

| | |
|-----------------|---------------------------------------|
| SIGN B | Save A Lot |
| Type: | New Panformed Panels w/ Applied Vinyl |
| Actual Size: | 44" x 145" |
| Viewable Size: | 40" x 141" |
| Square Footage: | 44.31 |

| | |
|-----------------|---------------------------------------|
| SIGN C | Save A Lot |
| Type: | New Panformed Panels w/ Applied Vinyl |
| Actual Size: | 23 1/4" x 36 1/4" |
| Viewable Size: | 20" x 33" |
| Square Footage: | 5.85 |

| | |
|-----------------|---------------------------------------|
| SIGN D | Save A Lot |
| Type: | New Panformed Panels w/ Applied Vinyl |
| Actual Size: | 23 1/4" x 36 1/4" |
| Viewable Size: | 20" x 33" |
| Square Footage: | 5.85 |

| | |
|----------|--|
| Client: | Save A Lot |
| Site #: | SAV-24853 |
| Address: | 45-47 Ellicott Street Batavia, NY 14020 |

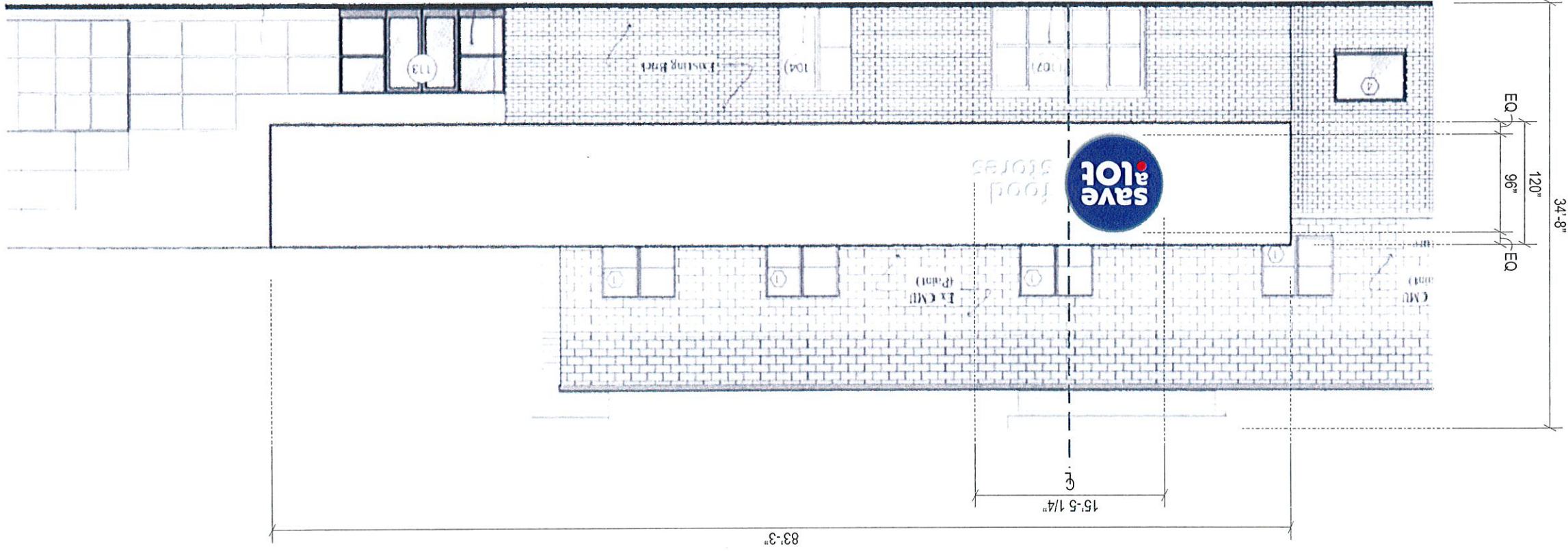
| | |
|---------------|-------------------------|
| REVISION INFO | |
| 09/09/2020 | Original Renderings |
| 09/11/2020 | Updated Sign A Specs |
| 09/21/2020 | Updated Sign A location |
| 10/19/2020 | Updated Elevation |
| SD | SD |
| SD | NB |
| SD | SD |

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| SIGN A | Type: | Illumination: | Square Footage: | To Grade: |
|----------------------------------|-----------------------------|----------------------------|-----------------|---|
| 96" Save A Lot 15" food stores | Wall Sign Channel Letters | Internally Illuminated LED | 123.50 | Top of Sign to Grade = 18'-8 1/4" Bottom of Sign to Grade = 10'-8 1/4" |



Existing



Front Elevation (Northeast)
Scale: 3/32" = 1'-0"

Scale: 3/32" = 1'-0"

| | |
|----------|---|
| Client: | Save A Lot |
| Site #: | SAV-24853 |
| Address: | 45-47 Elllicott Street Balavia, NY 14020 |

REVISION INFO

| | | |
|------------|-------------------------|----|
| 09/09/2020 | Original Renderings | SD |
| 09/11/2020 | Updated Sign A Specs | SD |
| 09/21/2020 | Updated Sign A location | SD |
| 10/19/2020 | Updated Elevation | SD |


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| | |
|--------|---|
| 528 | Allowable Square Footage this Elevation: |
| | $18'8" \times 188.6' = 3520.5 - 85\% = 528$ |
| 123.50 | Actual Square Footage this Elevation: |

| SIGN A | | Type: | Illumination: | Square Footage: | To Grade: |
|----------------------------------|-----------------------------|----------------------------|---------------|-----------------------------------|--------------------------------------|
| 96" Save A Lot 15" food stores | Wall Sign Channel Letters | Internally Illuminated LED | 123.50 | Top of Sign to Grade = 18'-8 1/4" | Bottom of Sign to Grade = 10'-8 1/4" |


Electrical: Wall Sign

White LEDs
(2) 60W Transformers
Total Amps: 2.2
(1) 20 amp 120V Circuit Req.

 LISTED

Electrical: Channel Letters

White LEDs
(1) 60w Transformers
Total Amps: 1.1
(1) 20 amp 120V Circuit Req.

 LISTED

General Notes:

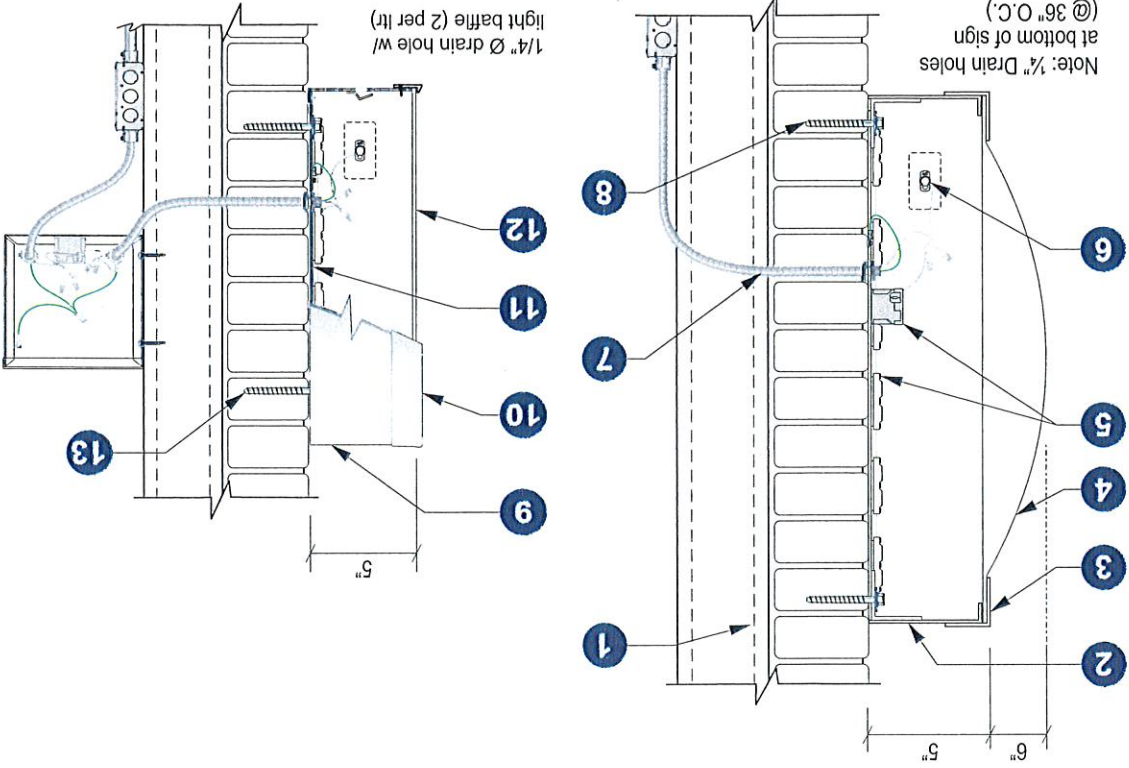
This sign is to be installed in accordance with the requirements of Article 600 of the National Electrical Code.

- 1) Grounded and bonded per NEC 600.7/NEC 250
- 2) Existing branch circuit in compliance with NEC 600.5, not to exceed 20 amps
- 3) Sign is to be UL listed per NEC 600.3
- 4) UL disconnect switch per NEC 600.6- required per sign component before leaving manufacturer*
- *For multiple signs, a disconnect is permitted but not required for each section

Technical drawing of a circular 'save a lot' sign. The sign is blue with white text. The word 'save' is in a bold, sans-serif font, and 'a lot' is in a smaller, sans-serif font with a red dot above the 'a'. The sign is shown with dimensions: a diameter of 96 inches, a mounting hole diameter of 17 inches, a mounting hole offset of 15 inches, and a mounting hole offset of 43 inches. The sign is also shown with dimensions for the mounting holes: 6-5 3/4 inches [77 3/4 inches] and 8-0 inches [96 inches]. The sign is also shown with dimensions for the mounting holes: 15-5 1/4 inches [185 1/4 inches] and 15-5 1/4 inches [185 1/4 inches].

Sign Layout Detail

* Note: Logo copy to be bottom justified w/ the 's' in 'food stores'



Section @ S/F Wall Sign

Scale: N.T.S.



Scale: N.T.S.

Specifications: Wall Sign

1. Existing Facade: Stucco/Brick
2. 0.080" Aluminum sign cabinet p/m SW6256 Serious Grey.
- 2" x 2" x 4" L aluminum angle brace
3. 2 1/2" x 2 1/2" Aluminum angle retainers p/m SW6256 Serious Grey
4. 3/16" White pantform face with second surface applied vinyl
- 3M 3630-36 Blue (PMS 280C)
- 3M 3630-143 Poppy Red (PMS 485C)
5. Sign cabinet contains White LEDs and transformers
6. Disconnect switch UL Outdoor rated toggle type w/ neoprene boot per NEC 600-6
7. Primary electrical feed
8. 3/8" Large diameter tapcons

Specifications: Channel Letters

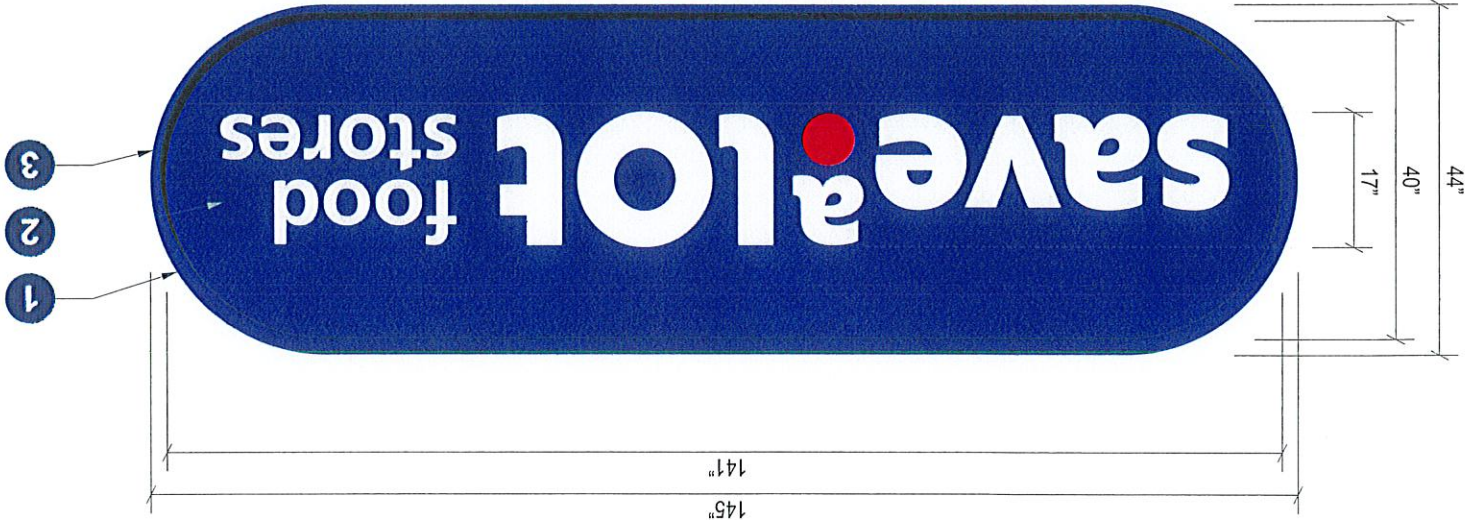
9. 0.040" Aluminum letter returns painted White
10. 1" Jewelite trimcap (White) bonded to face, #8 pan head screws to returns
11. 3mm Signabond Lite composite backs fastened to returns w/ 1/2" 18 gauge staples. Seal w/ VOC compliant 360 white latex caulk to prevent moisture penetration.
12. (Interior of sign can painted white for maximum illumination)
- 3/16" #7328 White acrylic faces
13. 3/8" Large diameter tapcons

| | |
|---|------------------------|
| Client: | Save A Lot |
| Site #: | SAV-24853 |
| Address: | 45-47 Elllicott Street |
| | Batavia, NY 14020 |
| <div> <div>REVISION INFO</div> <div></div> </div> | |

| | | |
|------------|-------------------------|----|
| 09/09/2020 | Original Renderings | SD |
| 09/11/2020 | Updated Sign A Specs | SD |
| 09/21/2020 | Updated Sign A Location | NB |
| 10/19/2020 | Updated Elevation | SD |

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| SIGN B | |
|---------------------------------------|-----------------|
| Save A Lot | Type: |
| New Panformed Panels w/ Applied Vinyl | Actual Size: |
| 44" x 145" | Viewable Size: |
| 40" x 141" | Square Footage: |
| 44.31 | |



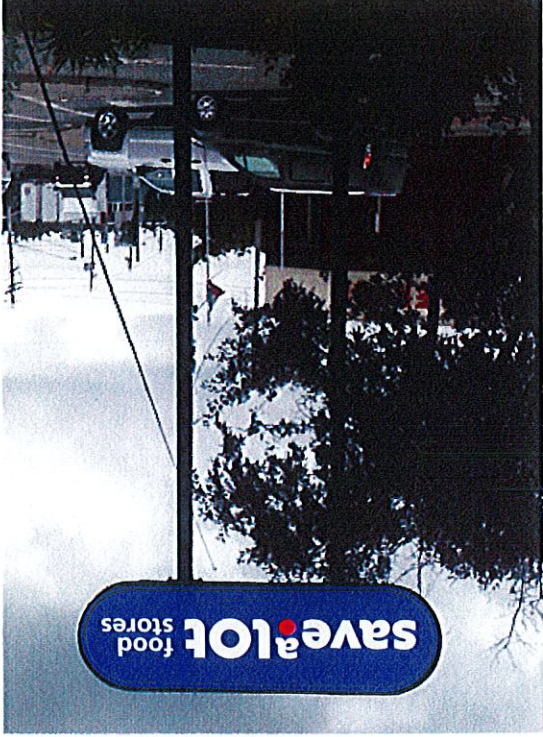
Panel Replacement On Existing D/F Pylon
QTY 2 (1 SET)

Scale: 1/2" = 1'-0"

| Specifications: | |
|----------------------------------|--|
| 1. New panformed panel | |
| 2. First surface applied vinyl | |
| 3M 3630-36 Blue (PMS 280C) | |
| 3M 3630-143 Poppy Red (PMS 485C) | |
| 3. Existing retainers | |



Existing

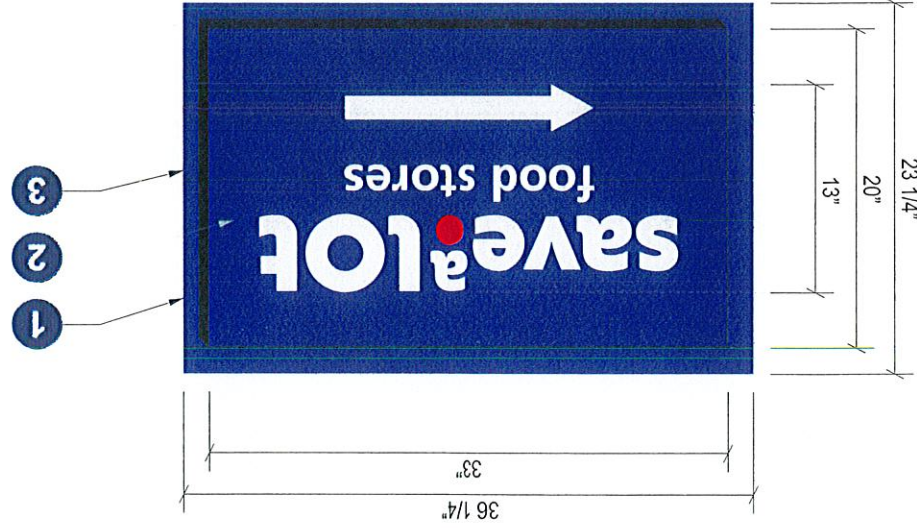


Pylon Elevation

Scale: N.T.S.

| | | | | | |
|--|-------------------------|--------------------------------|--|-------------------|--|
| Client: Save A Lot | | Address: 45-47 Ellicott Street | | Batavia, NY 14020 | |
| Site #: SAV-24853 | | | | | |
| REVISION INFO | | | | | |
| 09/09/2020 | Original Renderings | SD | | | |
| 09/11/2020 | Updated Sign A Specs | SD | | | |
| 09/21/2020 | Updated Sign A location | NB | | | |
| 10/19/2020 | Updated Elevation | SD | | | |
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| AnchorSign | | 1.800.213.3331 | | | |

| | |
|------------------------|---------------------------------------|
| SIGN C | Save A Lot |
| Type: | New Panformed Panels w/ Applied Vinyl |
| Actual Size: | 23 1/4" x 36 1/4" |
| Viewable Size: | 20" x 33" |
| Square Footage: | 5.85 |



Panel Replacement On Existing D/F Directional

- Specifications:**
1. New panformed panel
 2. First surface applied vinyl
 - 3M 3630-36 Blue (PMS 280C)
 - 3M 3630-143 Poppy Red (PMS 485C)
 3. Existing retainers

| | | | | |
|----------|------------------------|------------|-------------------------|----|
| Client: | Save A Lot | 09/09/2020 | Original Renderings | SD |
| Site #: | SAV-24853 | 09/11/2020 | Updated Sign A Specs | SD |
| Address: | 45-47 Elllicott Street | 09/21/2020 | Updated Sign A location | NB |
| | Batavia, NY 14020 | 10/19/2020 | Updated Elevation | SD |

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AnchorSign. 1.800.213.3331



Existing



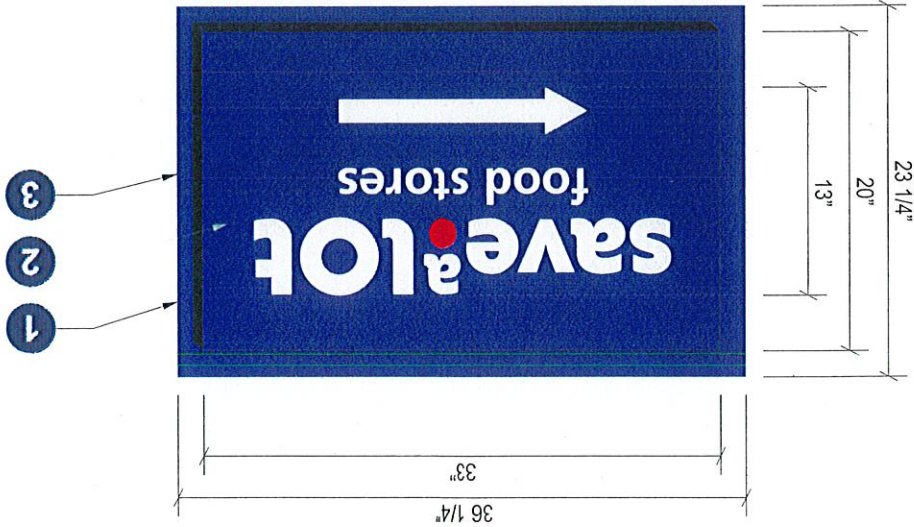
Opposite Side



Directional Elevation

Scale: N.T.S.

| SIGN D | |
|---------------------------------------|-----------------|
| Save A Lot | Type: |
| New Panformed Panels w/ Applied Vinyl | Actual Size: |
| 23 1/4" X 36 1/4" | Viewable Size: |
| 20" X 33" | Square Footage: |
| 5.85 | |



Panel Replacement On Existing D/F Directional
QTY 2 (1 SET)

Scale: 1" = 1'-0"

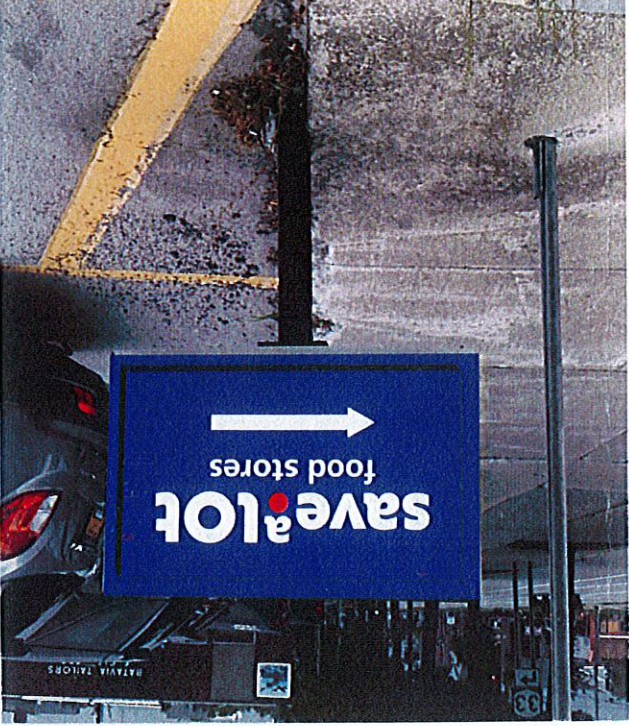
| Specifications: | |
|----------------------------------|--|
| 1. New panformed panel | |
| 2. First surface applied vinyl | |
| 3M 3630-36 Blue (PMS 280C) | |
| 3M 3630-143 Poppy Red (PMS 485C) | |
| 3. Existing retainers | |



Opposite Side



Existing



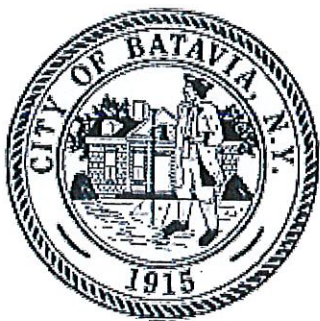
Directional Elevation

Scale: N.T.S.

| | | | |
|---|-------------------------|------------|----|
| SD | Original Renderings | 09/09/2020 | SD |
| SD | Updated Sign A Specs | 09/11/2020 | SD |
| NB | Updated Sign A location | 09/21/2020 | NB |
| SD | Updated Elevation | 10/19/2020 | SD |
| Please contact your account manager with questions regarding this statement. | | | |
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| | |
|----------|--|
| Client: | Save A Lot |
| Site #: | SAV-24853 |
| Address: | 45-47 Ellicott Street Batavia, NY 14020 |

REVISION INFO



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: 10/28/20
Re: **6 Osterhout Ave.**
Tax Parcel No. 84.074-2-24

Zoning Use District: R-2

The applicant, Colin Cooper (owner), has filed an application to place a 4' tall fence 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.
- 2) BMC 190-33 E. Fences over 3' in height are not permitted on corner lots when located within a triangular area formed by the lot lines along the streets to the points on such lines a distance of 40' from their intersection, and a line connecting such points.



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 20-17
Hearing Date/Time: _____

APPLICANT: Colin Cooper colincooper32@yahoo.com
Name E-Mail Address
6 Osterhout Ave 585 409-8693
Street Address Phone
Batavia NY 14020
City State Zip

STATUS: ☒ Owner _____ Agent for Owner _____ Contractor

OWNER: Colin Cooper colincooper32@yahoo.com
Name E-Mail Address
6 Osterhout Ave (585) 409-8693
Street Address Phone
Batavia NY 14020
City State Zip

LOCATION OF PROPERTY: 6 Osterhout Ave

DETAILED DESCRIPTION OF REQUEST: Request to install 4ft Black
chain link fence 2.5 ft off of Summer Rd to
ensure dogs will not jump fence

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

Applicant's Signature

Date

10/26/2020

Owner's Signature

Date

10/26/2020

To be Filled out by Zoning Officer

TAX PARCEL: 84.074-2-24 ZONING DISTRICT: R-2 FLOOD PLAIN: At

TYPE OF APPEAL: ☒ Area Variance
_____ Use Variance
_____ Interpretation
_____ Decision of Planning Committee

FEE: ☒ \$50 (One or Two Family Use)
_____ \$100 (All other Uses)

PAID

Provision(s) of the Zoning Ordinance Appealed: BMC 190-33D Fences in Residential

districts shall not exceed 3' in height when located within
15' of a prop. line abutting a street and

CITY OF BATAVIA
CLERK-TREASURER

BMC 190-33 E, Corner Visibility no fence permitted over 3' in height
on corner

Criteria to Support Area Variance

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

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


1. Undesirable Change in neighborhood Character. The granting of the variance will not produce an undesirable change in the neighborhood or a detriment to nearby properties. No

2. Alternative Cure Sought. There are no other means feasible for the applicant to pursue that would result in the difficulty being avoided or remedied, other than the granting of the area variance. No

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



Applicant's Signature

10/26/2020

Date

DATE: 10/26/2020APPLICANT NAME & PHONE: Colin Cooper**Project Location and Information**

Permit #: _____

Fee: _____

Address of Project: 6 Osterhout AveOwner & Address: Colin Cooper 6 Osterhout AvePhone: 585 409 5893**Project Type/Describe Work**Estimated cost of work: 2,500 - 3,000Start date: 10/30/2020

Describe project:

4 ft Fence along property lines on south side of property and east side of property (see survey)**Contractor Information** – Insurance certificates (liability & workers comp) required being on file**GENERAL**

Name/Address: _____

Phone: _____

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

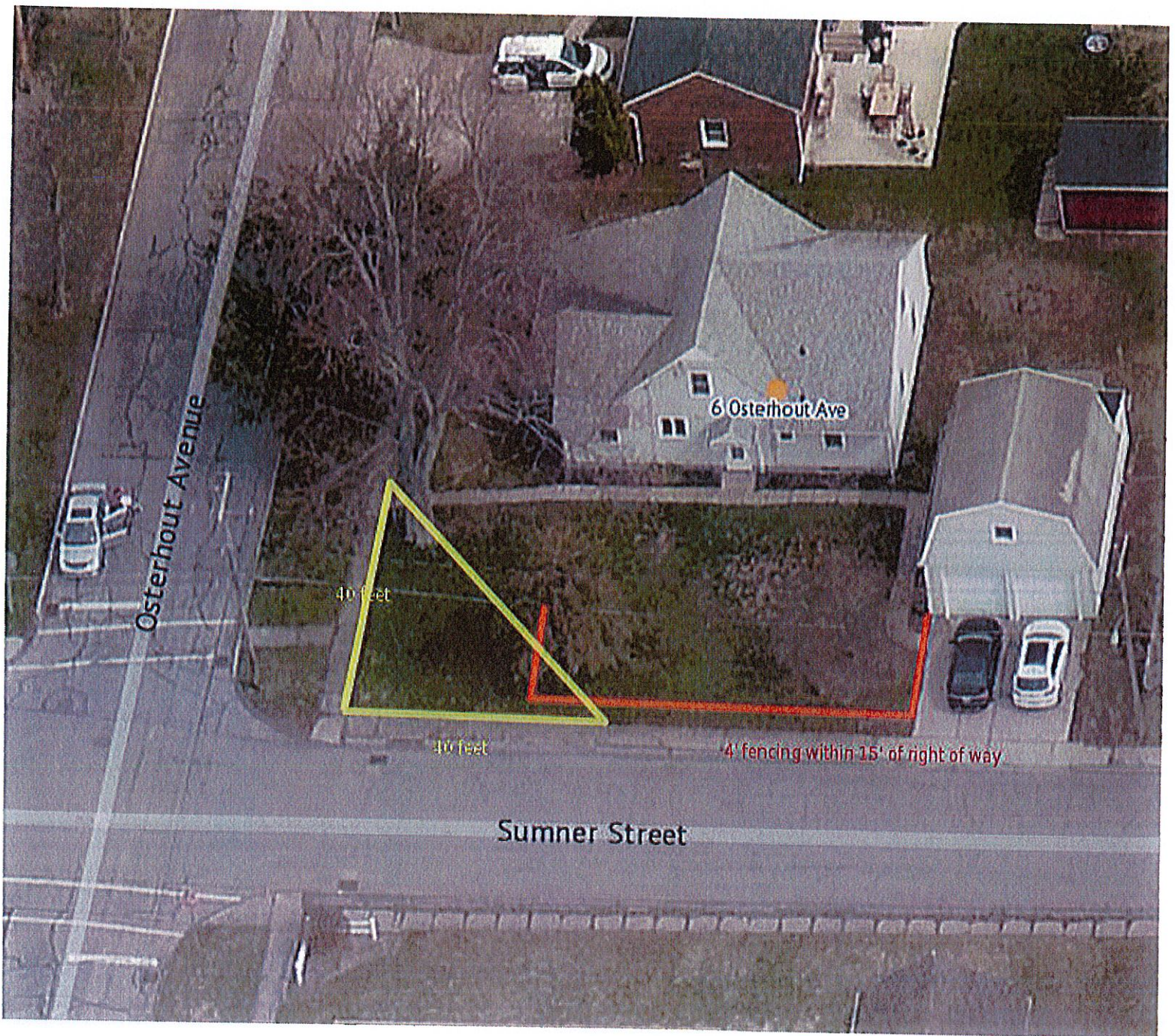
Zoning District: _____ Flood Zone: _____ Corner Lot: _____ Historic District/Landmark: _____

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: _____



OSTERHOUT AVENUE (59.0' R.O.W.)

R/O CONDELLO, JASON
LIBER 893, PAGE 285

LOT-11

Bent Pipe
3.5' W.
1.1' N.

Pipe
2.77' N.
1.29' W.
Fnc. Cor.
0.8' E.

R/O CLAPP'S MILLS, INC.
INST. #DE2018-2100

LEGEND
● EXISTING IRON STAK
○ SET IRON PIN
REFERENCE
CHAUNCEY S. KIRBY'S
BOOK 2 OF MAPS, P. 1
EASEMENT TO SOCO
FILED AT LIBER 285



PARCEL SURVEYED
CONTAINING
0.186 +/- ACRE
LIBER 895, PAGE 173

LOT-12

2 Sty. Wd.
Fr. Hse.
No. 6

Garage

R/O CULLITON,
BRYAN & BROOKE
INST. #DE2017-1421

OTIS STREET

LOT-13

Retaining Wall

Concrete Drive

SUMNER STREET

(47.0' R.O.W.)

Pinched Pipe
0.24' S.
0.18' W.

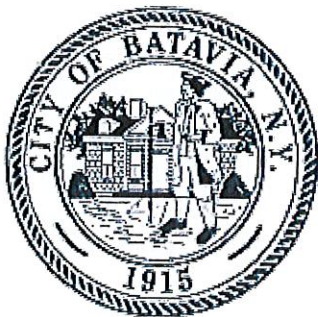
Fnc. Cor.
2.7' E.
1.6' N.

BOUNDARY SURVEY
TO BE CONVEY
AND THE NORTH
OF THE CHAUN
SITUATE IN THE
OF GENESEE A
JULY 18, 2019
REVISED (EASE. REF.) -

- request to change to 4ft fence

DATE

"DRAWN TO A SCALE OF 1" = 20' BY J. S. KIRBY, SURVEYOR, STATE OF NEW YORK, 1910"



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: 10/28/20
Re: 11 Evergreen Dr.
Tax Parcel No. 71.020-1-31

Zoning Use District: R-1

The applicant, David O'Geen, owner, has filed an application to expand an existing attached garage by constructing a 355 sq.' addition on the northeast corner of the garage. A portion of the proposed addition will be located within the side 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) (13).

Review and Approval Procedures:

County Planning Board- Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of the right of way of a state road or highway.

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> |
|-------------------|-----------------|-----------------|-------------------|
| Side yard setback | 8' | 5.5' | 2.5' |



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

PAID

OCT 28 2020

CITY OF BATAVIA
CLERK-TREASURER

Application No. 20-18
Hearing Date/Time: _____

APPLICANT: David O'Geen dogeen3@gmail.com
Name E-Mail Address
256 East Ave. (585) 356-7575
Street Address Phone
Batavia NY 14020
City State Zip

STATUS: ☐ Owner ☒ Agent for Owner ☐ Contractor

OWNER: Christine O'Geen cogeen3@gmail.com
Name E-Mail Address
256 East Ave. (585) 356-3888
Street Address Phone
Batavia NY 14020
City State Zip

LOCATION OF PROPERTY: 11 Evergreen Drive, Batavia, NY

DETAILED DESCRIPTION OF REQUEST: Convert the existing one car garage into a two car. The addition will begin 12' from the front of the existing garage and extent 24' towards the backyard. With a minimum practical width of 12', this will place the addition almost 5' from the property line. The proposed 12' setback means it will not cause any visual obstruction for the neighbor since most of it will be adjacent to Mr. Redband's privacy fence. (Variance request)

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.

David J. O'Geen 10-25-20
Applicant's Signature Date

Christine J. O'Geen 10-25-20
Owner's Signature Date

To be Filled out by Zoning Officer

TAX PARCEL: 71.020-1-31 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: 190-29A and Schedule 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.
Will not have any affect on any neighbor. Because of the setback, the addition will only be visible if directly in front of it.
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 is no better design to provide a 2-car garage.
3. **Substantiality.** The requested area variance is not substantial. It is important to have inside storage area for vehicles, mower, snowblower, bicycles, etc.
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. Will not restrict view for neighbor or block any right of way.
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. Acquired the home after her Father's death and decided to move there if ample inside storage is created.

Dorel J. O'Brien
Applicant's Signature
for 11 Evergreen Drive

10-27-20
Date

DATE: 10-27-20APPLICANT NAME & PHONE: David O'Geen (585) 356-7575**Project Location and Information**

Permit #:

Fee:

Address of Project: 11 Evergreen DriveOwner & Address: Christine O'Geen, 256 East Ave., Batavia, NY 14020Phone: (585) 356-3888**Project Type/Describe Work**Estimated cost of work: \$22,000Start date: TBD

Describe project:

Add 355 sq.ft. addition to existing garage.**Contractor Information** – Insurance certificates (liability & workers comp) required being on file**GENERAL**Name/Address: JE Currier / Chris RebmannPhone: (716) 474-4727 / (716) 560-2683**PLUMBING** (City of Batavia Licensed Plumber Required)Name/Address: NA

Phone: _____

HEATINGName/Address: NA

Phone: _____

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

Phone: _____

FOR OFFICE USE ONLY

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

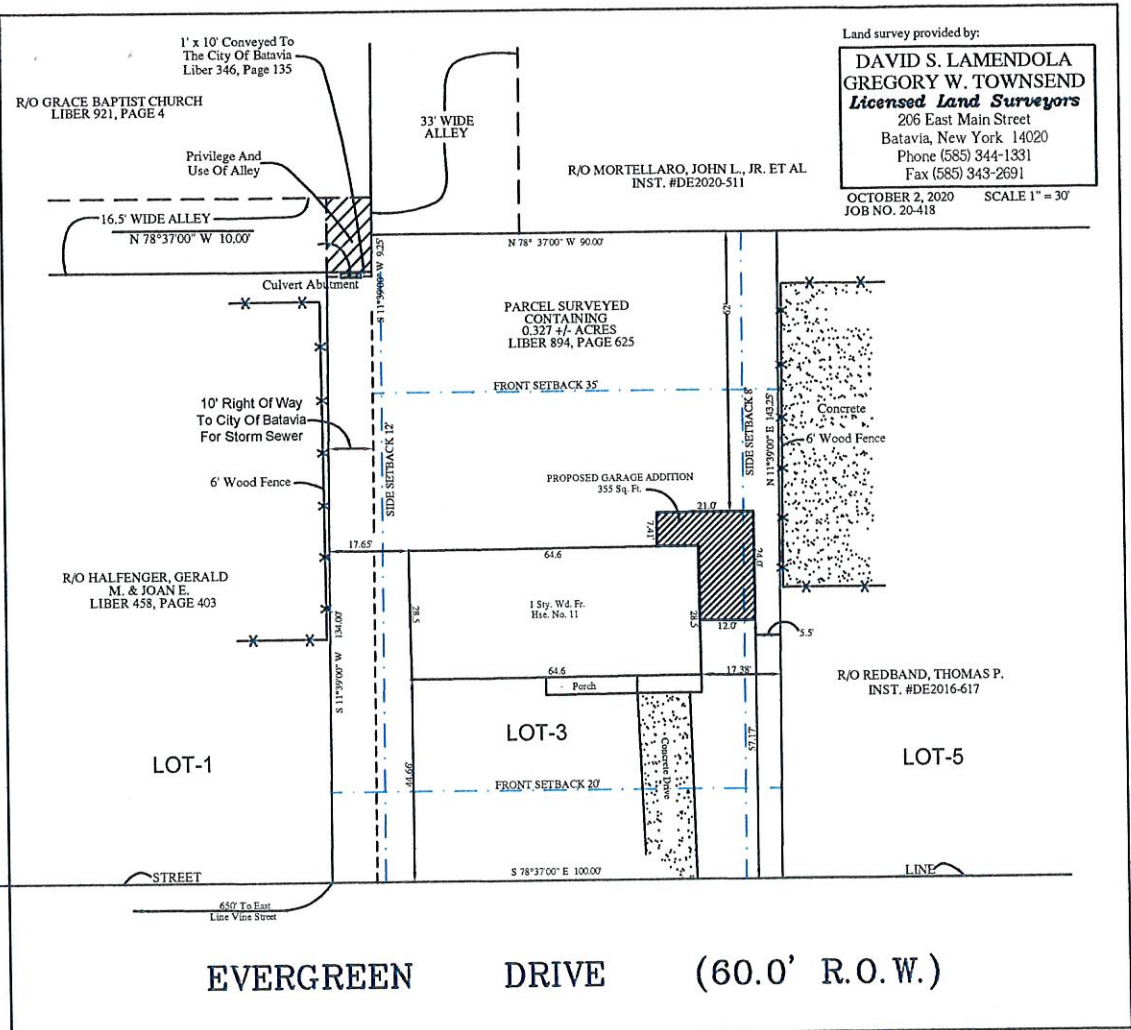
Zoning Review: _____ Variance Required: _____ Site Plan Review: _____ Other: _____

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

Existing Use: _____ NYS Building Code Occupancy Class: _____

Proposed Use: _____ NYS Building Code Occupancy Class: _____





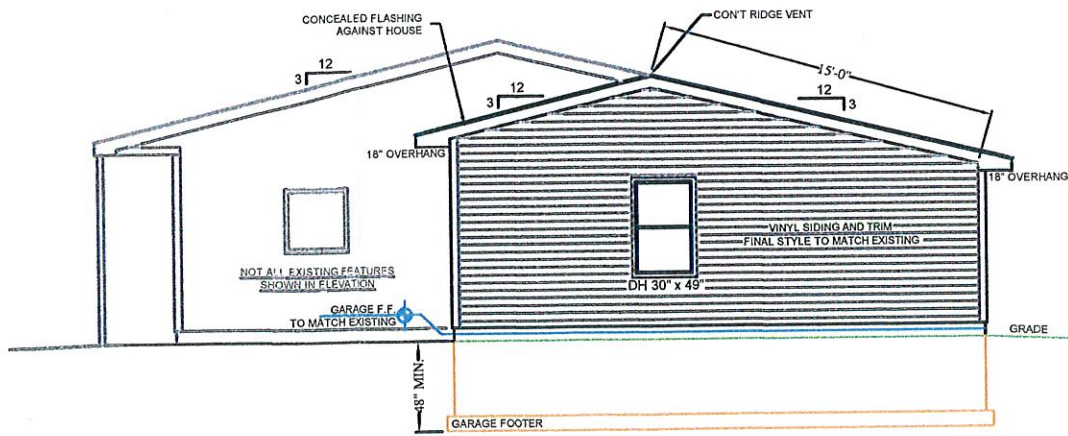
SITE PLAN
SCALE 1:20

GENERAL NOTES - AS PER 2020 RESIDENTIAL CODES OF NYS

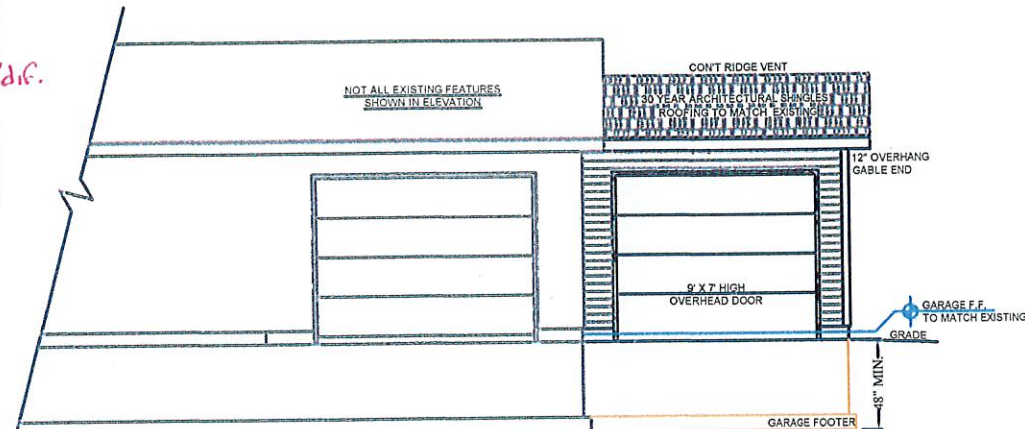
- To the best of the Architect's knowledge, belief, and professional judgement, these plans have been prepared in accordance with the current New York State Residential Code. If required, the contractor shall be responsible for adapting these plans to suit the needs of the building on the site. Any alterations must not violate NYS Code or the structural integrity of the building.
- The contractor(s) shall examine the building site to fully understand all site conditions which may impact the project work. A submitted bid is presumptive evidence that the bidder is conversant with local jurisdictions and has made due allowances in the bid for all contingencies. The owner reserves the right to reject any and all bids.
- Certain dimensions will vary depending on the materials used and/or the contractors building methods. If variations exist between the building site and the plans, the contractor must advise the Architect and Engineer prior to commencing/continuing work.
- The Architect assumes no liability for omissions from these plans.
- Copies produced from the originals of the drawings shall be marked with the Architect or Engineers original seal and signature to be considered true and valid copies.
- The contractor shall be responsible for the compliance with all applicable building/electrical/mechanical/sanitary and energy Codes; State and Local. The contractor shall be responsible for compliance with the energy Code for all HVAC equipment and controls, water heating equipment, pipe and duct insulation, and fluorescent lamps and ballasts.
- GFCI receptacle protection shall be provided at all branch circuits as required in NYS Building Code Section E3802.11.
- The contractor shall be responsible for the 2020 IECC energy code compliance of windows and doors selected for and installed in the building. Windows and/or doors shown on the plans are for sizing only.
- The actual rough openings may vary depending on the window manufacturer. All windows shall be low E glass or equivalent unless noted otherwise. Tempered safety glass shall be used in areas required by NYS Building Code Section 308.4. All bedrooms shall have a minimum clear opening of 5.7 square feet. All final selections must comply with NYS Building Code Section R310 and R311.5.
- All openings within the building envelope (e.g., doors, windows, utilities) shall be caulked, weather-stripped, or otherwise sealed.
- Moisture resistant gypsum board shall be used on all interior wall surfaces for bathrooms and areas creating wet conditions.
- All work, material, methods, equipment, etc. shall be in strict accordance with the contract documents. All construction materials shall be new, unless noted otherwise.
- The contractor assumes all liability for the structural integrity of structural members that are notched, drilled, or otherwise altered to accommodate mechanical and electrical installations.
- The contractor shall field verify all dimensions prior to commencing work.

- The contractor shall respect, if applicable, requirements of documentation attached to these plans (e.g., manufacturer's specifications, ventilation plans, etc.) and inform the client of any consequences resulting from changes to this plan.
- The contractor shall locate all septic facilities prior to mobilizing equipment and/or commencing excavations. The contractor is responsible for marking and protecting these facilities from disturbance, damage, or compaction.
- The contractor shall connect the foundation drainage to a sump that discharges to grade away from the foundation of the building as located on the site plan.
- The contractor shall be responsible for all construction means, methods, techniques, sequences, and safety precautions involved as part of this contract. All construction means, methods, techniques, sequences, and safety precautions shall be mutually agreed upon by both the owner and the contractor prior to commencing the work.
- The contractor shall be responsible for notifying the Architect or Engineer regarding any deviations from these contract drawings.
- The contractor is responsible for purchasing and obtaining all permits and approvals required by the local zoning and building departments and any other government agency having jurisdiction over the work. All applicable regulations shall be adhered to and carried out by all parties under this contract.
- The contractor shall furnish a certificate of insurance indicating the type of work insured and the policy limits as required by State and/or local municipality.
- The contractor shall be responsible for removing and disposing of all rubbish to the satisfaction of the owner prior to completion of the contract.
- The contractor shall guarantee and warrant the work and subcontractors work against faulty material and workmanship in accordance with general business law.
- All foundation footings shall be placed on undisturbed soils. The footing and foundation design assumes a minimum allowable soil bearing of 2,000 PSF. The contractor shall be responsible for retaining a geo-technical engineer to verify sub grade conditions and substantiate actual soil bearing capacity.
- Backfill materials shall be of soil native to the work site. For fill material beneath the garage and basement slabs, provide gravel fill and compact to 95%.
- It is assumed that subsurface conditions shall be soil. If bedrock is encountered, removal to required elevation shall be considered additional work to the contract.
- Minimum foundation footing depth shall be 4'-0" below finished grade.
- Minimum concrete material properties: 3,000 psi footings, walls, and slabs; 6% air entrainment; 4" minimum slump. 28 day concrete strength per ACI 300-72 with type II cement = 3,000 psi.
- Minimum masonry material properties: ASTM C90 Grade N-1, Fm = 1,350 psi; mortar properties: ASTM C270 Type S; grout properties: ASTM C476, Fc = 2,000 psi.

- Minimum steel material properties: W, S, HSS, and HP shapes; ASTM A992, Fy = 50 ksi. C, MC, L, and plate shapes: ASTM A36, Fy = 36 ksi.
- The contractor shall insulate steel beams supported by exterior walls for a minimum of 24" from the end.
- Minimum reinforcing steel properties: ASTM A615, Fy = 60 ksi. Wire mesh: ASTM A185, 6x6 10/10 WWM.
- Minimum wood construction properties: Framing lumber: SPF or White Fir #2 or better (unless otherwise noted). Plywood/OSB: APA rating 290 psi, E = 2.0 ksi. Product standard PS-1, APA rated EXP-1.
- Fastener sizes and spacing shall be according to the most stringent of APA and/or NYSBC requirements.
- The use of alternate framing members (e.g., dimensional floor joists, roof rafters, etc.) may require adjustment to this plan and require the review and authorization by the Architect and/or Engineer.
- Apply wood preservative to the ends of all wood members supported by concrete or masonry structure.
- All wood members in contact with concrete or masonry shall be Wolman preservative treated.
- All wood framing connections shall be made with code approved methods or with connectors authorized by NYS Residential Code for nailing. See NYSBC Table R602.3(1).
- Floor framing members are to be doubled beneath parallel wall partitions and shall be spaced at 4" (+/-) where necessary to accommodate mechanical components.
- Provide 1x3 nominal cross-bridging at mid-span between dimensional floor framing members.
- The contractor shall follow all manufacturers installation details (e.g., knock-out holes, holes, blocking, web stiffeners, cantilever reinforcement, etc.) for engineered lumber.
- Any and all roof truss designs shall be provided by the manufacturer. The manufacturer shall be responsible for all engineering, member layouts, and installation instructions.
- The contractor shall install a fireproof liner between the firebox of pre-fabricated fireplace and combustible walls.
- Fireplace and chimney shall comply with Chapter 10 of the Residential Code.
- Maximum U values for 70 degree days required:
 - Exterior Walls : 0.05
 - Ceilings : 0.04
 - Doors : 0.40
 - Glass : 0.58
 - Foundations walls to 48" below grade : 0.09
- All emergency escape and rescue openings shall have a minimum net clear opening width of 20".
- All stairs and handrails shall comply with NYS Building Code Section R311.5.
- Smoke alarms shall be installed in all sleeping rooms, outside each sleeping area, and on each floor of the dwelling, including the basement as per NYS Building Code Section R313.



RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION w/ GARAGE ADDITION
SCALE: 1/4" = 1'-0"

A100 SITE PLAN & SITE DATA, DESIGN DATA, FRONT ELEVATION w/ GARAGE ADDITION, RIGHT SIDE ELEVATION, GENERAL NOTES

A101 FOUNDATION PLAN & NOTES, FIRST FLOOR PLAN, REAR ELEVATION, CROSS SECTION & ROOF PLAN

DESIGN DATA
AS PER 2020 RESIDENTIAL CODES OF NYS

GROUND SNOW LOAD = 60 psf
DESIGN WIND SPEED = 115 mph
SEISMIC DESIGN CATEGORY = B
WEATHER PROBABILITY = SEVERE
FROST LINE DEPTH = 48"
TERMITE THREAT - SLIGHT TO MODERATE
ICE BARRIER UNDERLAYMENT PER R905.2.7.1
DESIGN LOADS:
ALL ROOMS OTHER THAN SLEEPING = 40 psf
SLEEPING ROOMS = 30 psf
ATTICS = 20 psf
DECKS = 40 psf
BALCONIES = 60 psf
ROOF LIVE LOAD = 50 psf
ROOF DEAD LOAD = 15 psf
FLOOR DEAD LOAD = 12 psf

IN ACCORDANCE WITH ICR 303.4, THIS BUILDING SHALL BE EQUIPPED w/ MECHANICAL VENTILATION SYSTEM IN SECTION M1507.3

O'GEEEN GARAGE
ADDITION
11 EVERGREEN DRIVE
BATAVIA, NY 14020

GARAGE ADDITION
(STORAGE SPACE)
355 Sq. Ft.

ARCHITECT:



SKY HIGH
ARCHITECTURE

ANDREW H.
HINTENACH III, AIA

86 Castle Street
Geneva, New York 14456
office# (315) 759-5772
andrewaia@verizon.net

DRAWINGS PREPARED FOR BID
PURPOSES ONLY FINAL SET TO
BE STAMPED BY ENGINEER

Consultant/Designer:

Design & Drafting by Gina, LLC

Gina Pestillo
Architectural Designer

8468 Seven Springs Road (585) 469-1113
Batavia, New York 14020 gpestillo@gmail.com

NOTICE:

IT IS A VIOLATION OF LAW FOR ANY PERSON
TO REPRODUCE OR TRANSMIT IN ANY MANNER
THE CONTENTS OF THESE DRAWINGS WITHOUT THE
WRITTEN PERMISSION OF THE ARCHITECT.

ANY PERSON WHO VIOLATES THIS PROHIBITION IS
SUBJECT TO CRIMINAL PROSECUTION AND IS
LIABLE TO PAY A FINE OF UP TO \$500.00 AND
OR A TERM OF IMPRISONMENT OF UP TO 6 MONTHS.

THESE DRAWINGS ARE CONSIDERED AND ARE
TO BE USED AS A GUIDE ONLY. THE USER OF THE
DRAWINGS SHALL BE RESPONSIBLE FOR THE
CORRECTNESS OF THE INFORMATION AND FOR THE
SAFETY OF THE PROJECT.

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SAFETY OF THE PROJECT.

Revisions:

Date:

SITE PLAN & SITE DATA
DESIGN DATA
FRONT ELEVATION
w/ GARAGE ADDITION
RIGHT SIDE ELEVATION
GENERAL NOTES

Drawing Name:

OCTOBER 23, 2020

Drawn By: D&D

Reviewed By: AH

Project #:

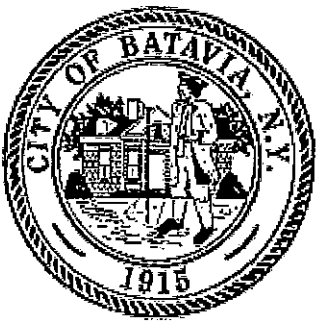
2020.112

Scale:

AS SHOWN

A100

Sheet #:



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
Genesee County Planning

From: Doug Randall, Code Enforcement Officer

Date: 10/28/20

Re: 16 Ellicott Ave.
Tax Parcel No. 84.010-3-29

Zoning Use District: R-1

The applicant, Tracy A. Battaglia (owner), has filed an application to place a 4' tall lattice panel on top of an existing 6' tall fence. This construction would result in a 10' tall fence located along portions of the north lot 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 6' in height.

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) Zoning Board of AppealsAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345 - 6345

Ext. _____

2. APPLICANT INFORMATIONName Tracy A. BattagliaAddress 16 Ellicott Ave.City, State, Zip Batavia, NY 14020Phone (585) 683 - 0452

Ext. _____

Email _____

MUNICIPALITY: ☒ City ☐ Town ☐ Village of Batavia**3. TYPE OF REFERRAL:** (Check all applicable items)☒ Area Variance☐ Use Variance☐ Special Use Permit☐ Site Plan Review☐ Zoning Map Change☐ Zoning Text Amendments☐ Comprehensive Plan/Update☐ Other: _____

Subdivision Proposal

☐ Preliminary☐ Final**4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:**A. Full Address 16 Ellicott Ave.B. Nearest intersecting road West Main St.C. Tax Map Parcel Number 84.010-3-29

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 190-33 D.C. Please describe the nature of this request Approval to increase existing fence height from 6 feet to 10 feet**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 RandallTitle Code Enf. OfficerPhone (585) 345 - 6327

Ext. _____

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



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 20-20
Hearing Date/Time: _____

APPLICANT: Tracy A. Battaglia
Name 16 Ellicott Avenue E-Mail Address _____
Street Address Batavia Phone 585-683 0452
City NY State NY Zip 14020

STATUS: ☒ Owner ☐ Agent for Owner ☐ Contractor

OWNER: Same as Above
Name _____ E-Mail Address _____
Street Address _____ Phone _____ Fax _____
City _____ State _____ Zip _____

LOCATION OF PROPERTY: 16 Ellicott Avenue Batavia NY 14020

DETAILED DESCRIPTION OF REQUEST: Adding lattice work to already existing 6 foot privacy fence to create more privacy for myself + 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.

Tracy A. Battaglia
Applicant's Signature
Tracy A. Battaglia
Owner's Signature

10/14/20
Date
10/14/20
Date

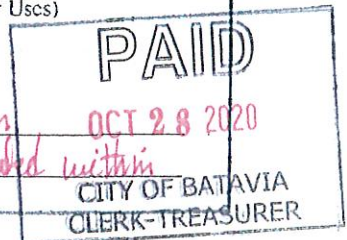
To be Filled out by Zoning Officer

TAX PARCEL: 84.010-3-29 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 190-33 D Fences in Residential districts shall not exceed 6' in height when not located within 15' of a right of way.



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.
(NA) my request to raise my fence is due to poor conditions (visual eye sore) Next door, and needing to create more privacy for my 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. All other means have been exhausted.
3. Substantiality. The requested area variance is not substantial.
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.
(NA)
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. NA

M. Haddia
Applicant's Signature

10/14/20
Date

CITY OF BATAVIA
BUILDING PERMIT APPLICATION
DATE: 10/14/20
APPLICANT NAME & PHONE: Tracy Battaglia 585 683 0452

Project Location and Information

Address of Project: 116 Ellicott Avenue
Owner & Address: Tracy Battaglia 116 Ellicott Ave Batavia NY 14020
Phone: 585 683 0452

Permit #: _____ Fee: _____

Project Type/Describe Work

Estimated cost of work: 2K? 4K Start date: Unknown
Describe project: Lattice work added to already existing 6 foot privacy fence to create more privacy for my property & self.

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

GENERAL

Name/Address: Scalia's Fence Co. 8106 State St Rd.
Phone: 585-343 3106 Batavia NY 14020

PLUMBING (City of Batavia Licensed Plumber Required)

Name/Address: NA
Phone: _____

HEATING

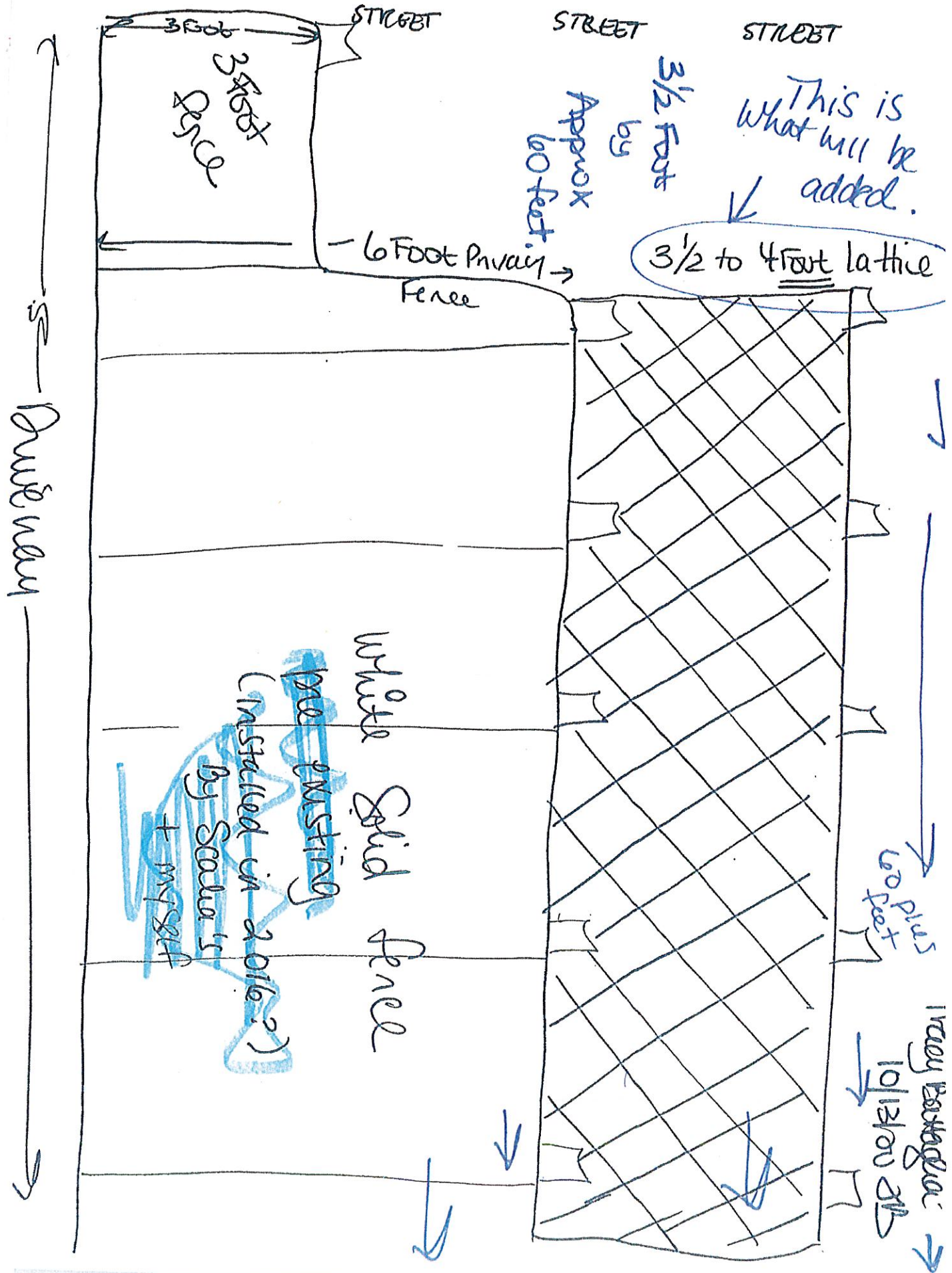
Name/Address: NA
Phone: _____

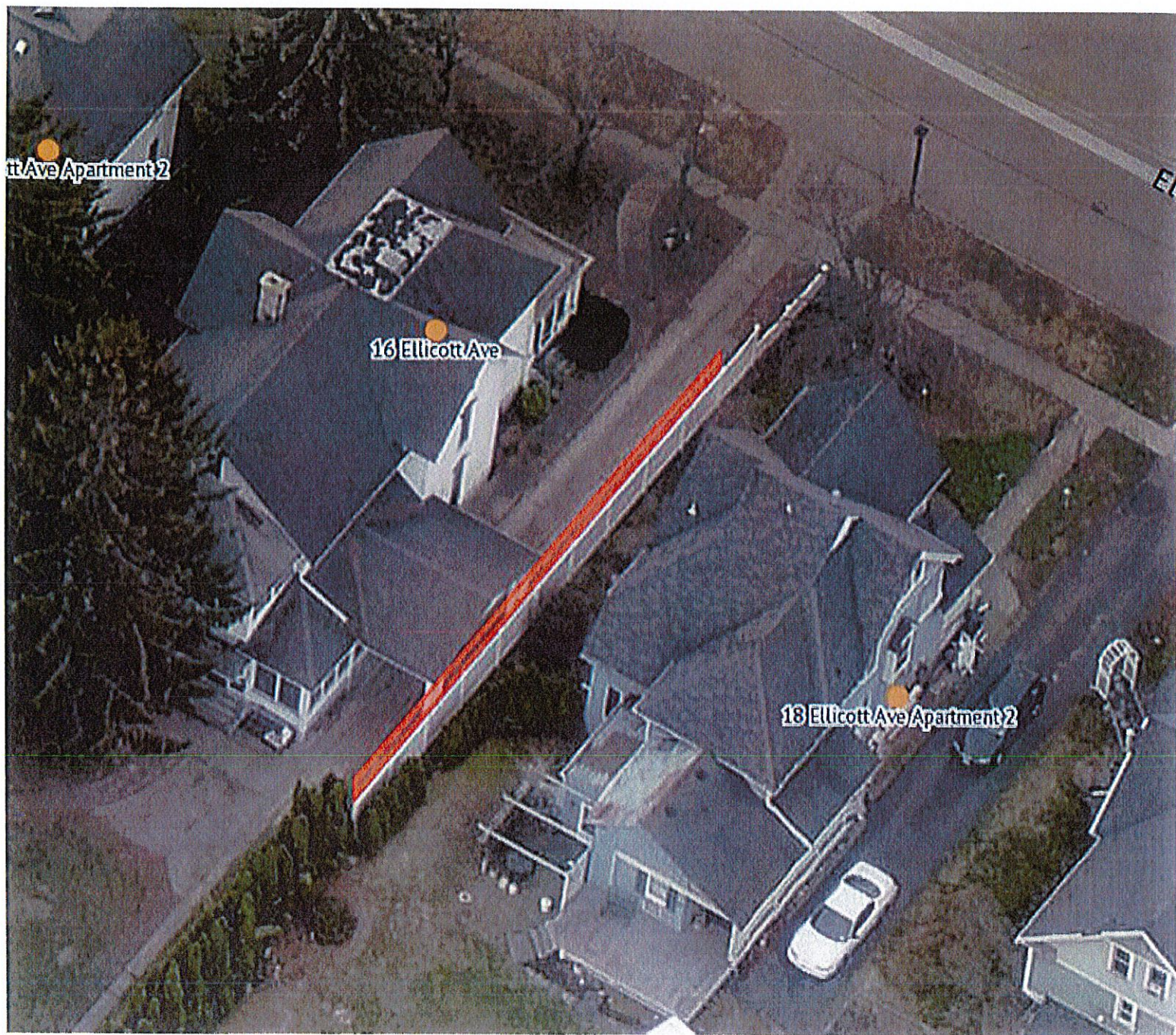
ELECTRICAL (Third Party Electrical Inspection Required)

Name/Address: NA
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: _____





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

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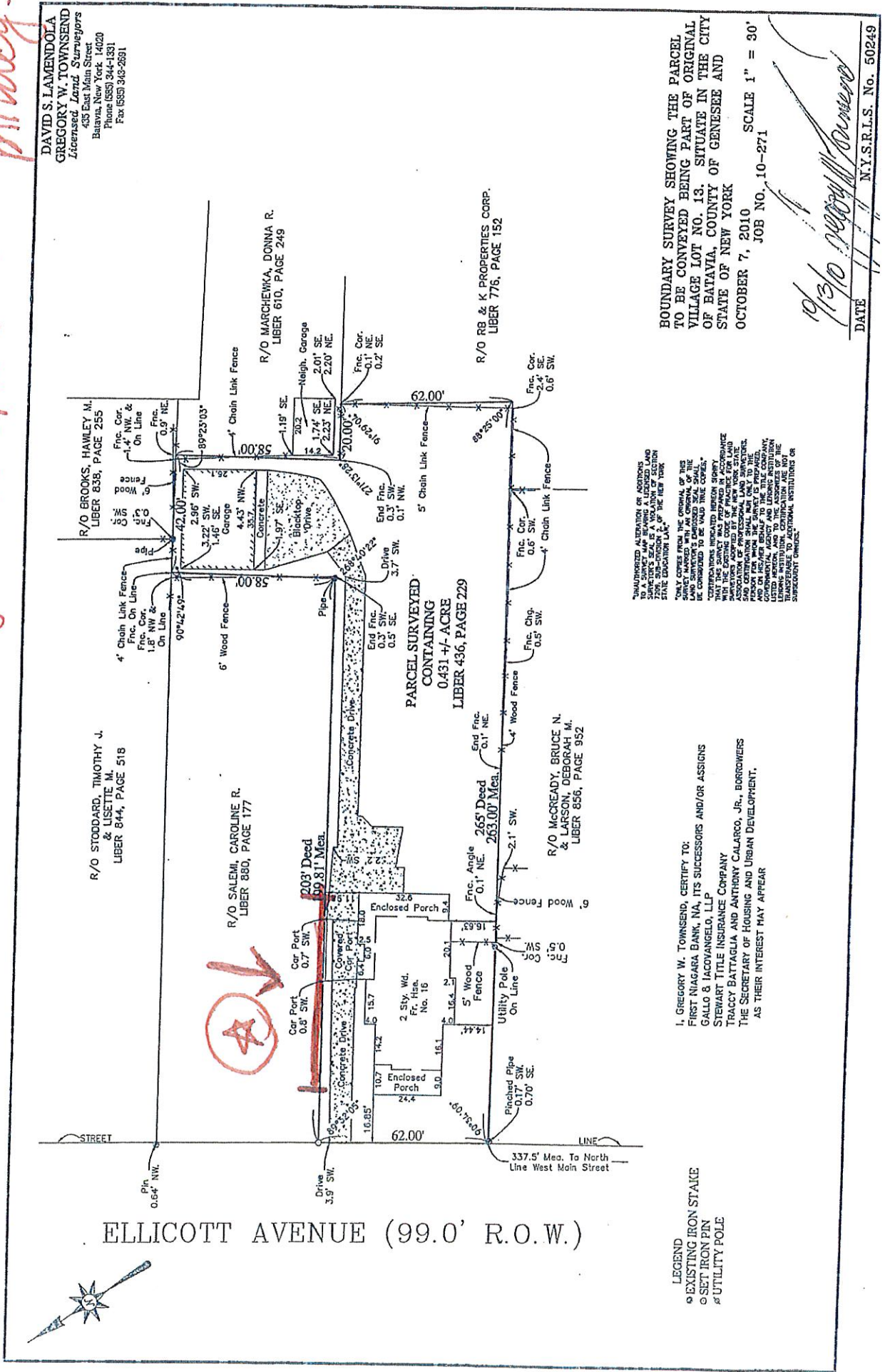
BOUNDARY SURVEY SHOWING THE PARCEL
TO BE CONVEYED BEING PART OF ORIGINAL
VILLAGE LOT NO. 13. SITUATE IN THE CITY
OF BATAVIA, COUNTY OF GENESEE AND
STATE OF NEW YORK
OCTOBER 7, 2010 SCALE 1" = 30'
JOB NO. 10-271

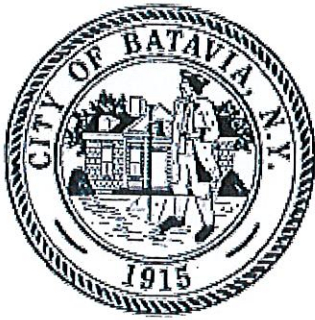
"UNAUTHORIZED ALTERATION OR ADDITIONS TO A LAND SURVEYOR'S SEAL IS A VIOLATION OF ELECTION LAW," SAID JAMES J. COLE, CHIEF OF THE NEW YORK STATE SURVEYOR GENERAL'S OFFICE.

I, GREGORY W. TOWNSEND, CERTIFY TO:
FIRST NIAGARA BANK, NA, ITS SUCCESSORS AND/OR ASSIGNS
GALLO & IACOVANGELO, LLP
STEWART TITLE INSURANCE COMPANY
TRACY BATTAGLIA AND ANTHONY CALARCO, JR., BORROWERS
THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT,
AS THEIR INTEREST MAY APPEAR

LEGEND
 ○ EXISTING IRON STAKE
 ○ SET IRON PIN
 & UTILITY POLE

DATE 11/1/71 N.Y.S.R.L.S. No. 50249





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: 10/28/20
Re: **6 Osterhout Ave.**
Tax Parcel No. 84.074-2-24

Zoning Use District: R-2

The applicant, Colin Cooper (owner), has filed an application to place a 4' tall fence within 15' of the front property line.

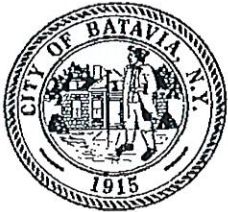
Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (13).

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.
- 2) BMC 190-33 E. Fences over 3' in height are not permitted on corner lots when located within a triangular area formed by the lot lines along the streets to the points on such lines a distance of 40' from their intersection, and a line connecting such points.



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 20-17
Hearing Date/Time: _____

APPLICANT: Colin Cooper colincooper32@yahoo.com
Name E-Mail Address
6 Osterhout Ave 585 409-8693
Street Address Phone
Batavia NY 14020
City State Zip

STATUS: ☒ Owner _____ Agent for Owner _____ Contractor

OWNER: Colin Cooper colincooper32@yahoo.com
Name E-Mail Address
6 Osterhout Ave (585) 409-8693
Street Address Phone
Batavia NY 14020
City State Zip

LOCATION OF PROPERTY: 6 Osterhout Ave

DETAILED DESCRIPTION OF REQUEST: Request to install 4ft Black
chain link fence 2.5 ft off of Summer Rd to
ensure dogs will not jump fence

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

Applicant's Signature

Date

Owner's Signature

Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.074-2-24 ZONING DISTRICT: R-2 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)

PAID

Provision(s) of the Zoning Ordinance Appealed: BMC 190-33D Fences in residential

districts shall not exceed 3' in height when located within
15' of a prop. line abutting streets and

BMC 190-33 E. Corner Visibility no fence permitted over 3' in height
at corner


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.
No
2. **Alternative Cure Sought.** There are no other means feasible for the applicant to pursue that would result in the difficulty being avoided or remedied, other than the granting of the area variance. No
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


Applicant's Signature

10/26/2020
Date

DATE: 10/26/2020APPLICANT NAME & PHONE: Colin Cooper**Project Location and Information**

Permit #: _____ Fee: _____

Address of Project: 6 Osterhout AveOwner & Address: Colin Cooper 6 Osterhout AvePhone: 585 409 8893**Project Type/Describe Work**Estimated cost of work: 2,500 - 3,000Start date: 10/30/2020

Describe project:

4ft Fence along property lines on south side of property and east side of property (see survey)**Contractor Information** – Insurance certificates (liability & workers comp) required being on file**GENERAL**

Name/Address: _____

Phone: _____

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

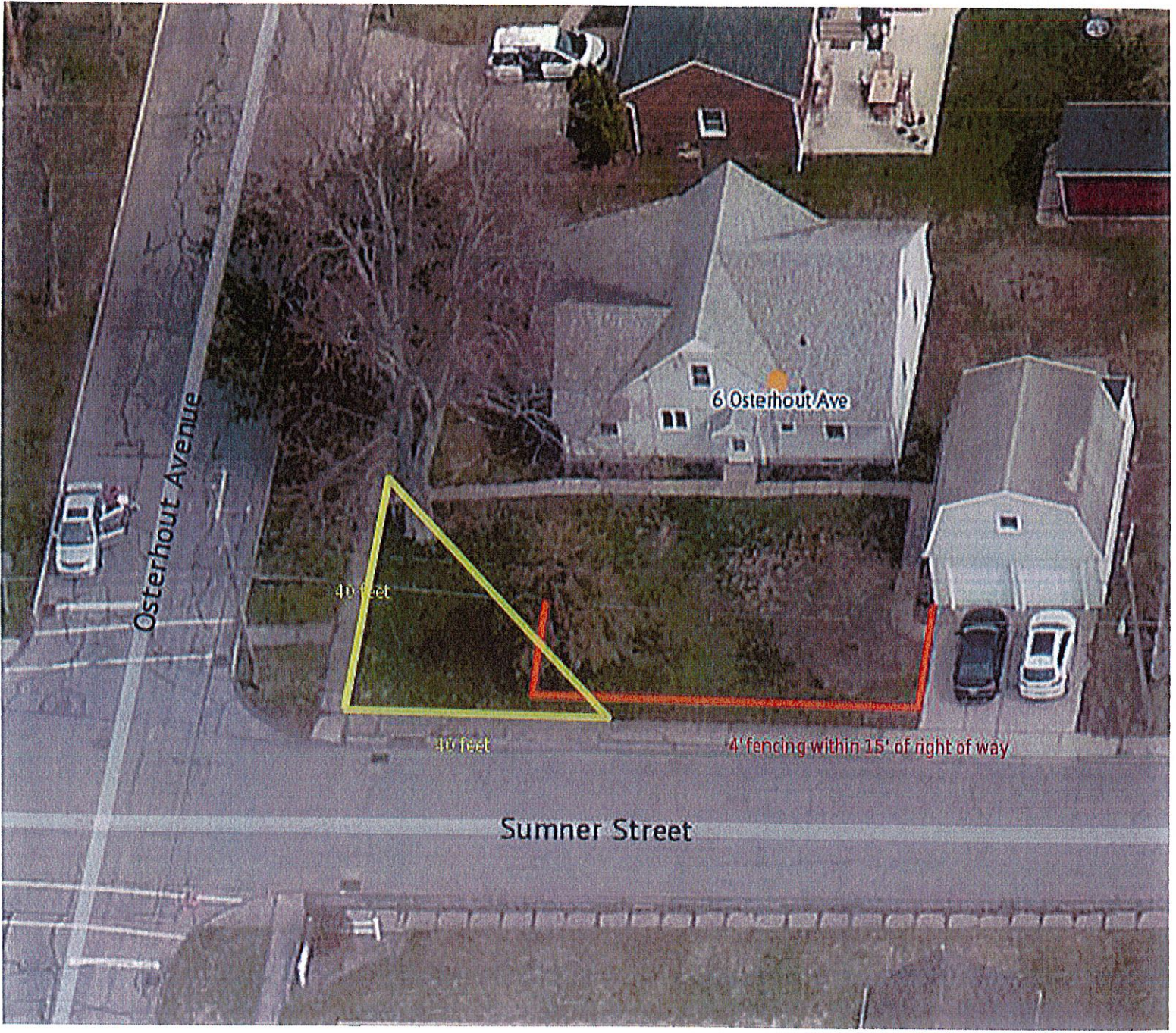
Zoning District: _____ Flood Zone: _____ Corner Lot: _____ Historic District/Landmark: _____

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: _____



Osterhout Avenue

6 Osterhout Ave

40 feet

40 feet

4' fencing within 15' of right of way

Sumner Street

OSTERHOUT AVENUE (59.0' R.O.W.)

R/O CONDELLO, JASON
LIBER 893, PAGE 285

LOT-11

Bent Pipe
3.5' W.
1.1' N.

98.13'

90°21'23"

LOT-12

2 Sty. Wd.
Fr. Hse.
No. 6

PARCEL SURVEYED
CONTAINING
0.186 +/- ACRE
LIBER 895, PAGE 173

82.00'

LOT-13

R/O CULLITON,
BRYAN & BROOKE
INST. #DE2017-1421

LOT-14

12'

2.5'

SUMNER STREET

(47.0' R.O.W.)

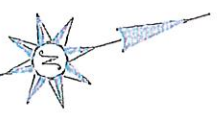
Pinched Pipe
0.24' S.
0.18' W.

Fnc. Cor.
2.7' E.
1.6' N.

90°00'00"

165.00'

OTIS STREET



LEGEND

● EXISTING IRON STAK
○ SET IRON PIN

REFERENCE
CHAUNCEY S. KIBBE'S
BOOK 2 OF MAPS, P/
EASEMENT TO SOCO.
FILED AT LIBER 285

"UNAV
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OF GENESEE A
JULY 18, 2019
J1

REVISED (EASE. REF.) -

DATE

- request to change to 4ft fence

2021
Meeting Dates for
Zoning Board of Appeals
Deadline for applications is the last Thursday of the month

Zoning Board of Appeals

| | |
|--------------|-----------|
| January 28 | 6:00 p.m. |
| February 25 | 6:00 p.m. |
| March 25 | 6:00 p.m. |
| April 22 | 6:00 p.m. |
| May 27 | 6:00 p.m. |
| June 24 | 6:00 p.m. |
| July 22 | 6:00 p.m. |
| August 26 | 6:00 p.m. |
| September 23 | 6:00 p.m. |
| October 28 | 6:00 p.m. |
| November 18 | 6:00 p.m. |
| December 16 | 6:00 p.m. |