

ZONING BOARD OF APPEALS

Thursday, June 22, 2023

6:00 pm

Board Room

One Batavia City Centre, Batavia, NY

AGENDA

- I. Roll Call
- II. Call to order
- III. Pledge of Allegiance
- IV. Approval of May 25, 2023 minutes
- V. Statement about the role of the Zoning Board of Appeals and the procedure it follows
- VI. Variance Requests

A. Request #1

29 Cherry Street

Jennifer Lynn Gobeyn, owner

Area Variance:

Remove an existing 20.5'-wide asphalt driveway and place a new 22'-wide Portland cement concrete driveway in its place. A zoning variance was previously granted by the ZBA on 8/28/08 to increase the width of the existing (approx.) 10.5'-wide asphalt driveway by adding 10' of width on the west side of the existing driveway

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

B. Request #2

5 Sumner Street

Valentino Zinni, owner

Area Variance:

Place a 12' x 20' one-story wood-frame shed in the west side yard of this property. This property is located within the AH special flood hazard area and is subject to additional requirements of the Batavia Municipal Code that include elevating the floor level to a point at least 2' above the base flood elevation. Code compliant alternatives have been proposed and are indicated below

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

VII. Setting of Next Meeting: July 27, 2023

VIII. Adjournment

ZONING BOARD OF APPEALS
Draft Minutes
Thursday, May 25, 2023
6:00 pm
Community Room
One Batavia City Centre, Batavia, NY

Members present: *Jeff Gillard, Leslie Moma, Dave McCarthy, Jim Russell*

Members absent: Nick Harris

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 Chair Dave McCarthy declared a quorum.

II. Call to Order

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

III. Pledge of Allegiance

IV. Approval of Minutes

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

RESULT: Approval of March 23, 2023 minutes.

V. Zoning Board of Appeals statement

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

VI. Variance Requests

- A. Area Variance: place a 10' x 15' one-story wood-frame shed addition onto the back of the existing garage located in the rear yard of this property

Address: *19 Madison Avenue*

Applicant: Justin Euren, owner

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

1. Review Application

Vice Chair, Leslie Moma, 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. Russell, and on roll call, was approved 4-0.

RESULT: Public hearing opened at 6:05 pm.

Mr. Euren said that he would like to construct a larger storage area and he intends to make it consistent with the rest of the buildings on his property.

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

RESULT: Public hearing closed at 6:06 pm.

3. Action by the Board

Mr. McCarthy asked if Mr. Euren would be using a system to satisfy the floodplain requirements, and Mr. Euren answered that he would be using certified flood vents.

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, it is a flood zone

MOTION: Mr. McCarthy moved to approve the proposal with the provision that the vents are flood compliant, 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.

- B. Area Variance: remove an existing 12' x 28' attached garage and patio roof in order to construct a new 24' x 34.5' attached garage structure between the south elevation of the dwelling and the southern lot line of this parcel. The front porch will also be extended by 14 sq.' west of the existing porch

Address: 9-11 Seneca Avenue

Applicant: Jennifer Griffith, owner

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

1. Review Application

Ms. Moma 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. Russell, and on roll call, was approved 4-0.

RESULT: Public hearing opened at 6:11 pm.

Ms. Griffith explained that the driveway currently extends beyond the garage, but she would like to use that space to expand the garage to accommodate two vehicles and some storage.

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

RESULT: Public hearing closed at 6:12 pm.

Mr. Russell asked if the addition would extend beyond the existing driveway. Ms. Pestillo, designer of the project, responded that it would extend about 1'6".

Mr. Russell asked if the new porch would extend beyond the current porch, and Ms. Pestillo said that it would, by about 2'.

Mr. McCarthy noted that he would like to see gutters discharge the water into the street, if possible.

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: yes

MOTION: Ms. Moma moved to approve the variance with the stipulation that stormwater must be managed on site and the side yard setback should be 3', with 60 days to obtain the permit. The motion was seconded by Mr. Russell, and on roll call, was approved 4-0.

RESULT: Area Variance approved.

C. Area Variance: demolish a portion of the dwelling and construct a two-story addition within the front yard clear space

Address: 149 Jackson Street

Applicant: Michael Pastore, owner

Actions: 1. Review application
2. Public hearing and discussion

3. Action by the board

1. Review Application

Ms. Moma 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. Russell, and on roll call, was approved 4-0.

RESULT: Public hearing opened at 6:22 pm.

Mr. Pastore explained that the reason for the expiration of the first variance approved by the ZBA was that he had been required to apply for a State variance, and the time allotted by the board to obtain the permit elapsed while he was waiting for the State. He is now ready to begin the project.

Mr. Gillard asked if the application is the same as the previous one. Mr. Randall told the board that the application is essentially the same.

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

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

RESULT: Public hearing closed at 6:24 pm.

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

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

3. Action by the Board

MOTION: Mr. McCarthy moved to approve the variance, with 90 days to obtain the permit. The motion was seconded by Ms. Moma, and on roll call, was approved 4-0.

RESULT: Area Variance approved.

D. Area Variance: widen an existing 12'-wide asphalt driveway by placing 12' of asphalt to the south side of the existing driveway

Address: 114 Jackson Street

Applicant: Brian White, owner

Actions: 1. Review application

2. Public hearing and discussion

3. Action by the board

1. Review Application

Ms. Moma read the summary of the proposal. She noted that the Planning and Development Committee had reviewed the application and recommended approval.

2. Public Hearing and Discussion

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

RESULT: Public hearing opened at 6:28 pm.

Mr. White explained that there is not enough room for him, his wife, and their tenants to park in the driveway. He said that the street is busy and parking on the street is unsafe.

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

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

RESULT: Public hearing closed at 6:30 pm.

Ms. Moma asked if the curb cut would be wider, and Mr. Randall responded that a wider curb cut had not been proposed. Mr. White added that there is no curb because people parking on it have destroyed it.

Mr. Randall asked if Mr. White planned to work on the apron, and when Mr. White answered yes, Mr. Randall explained that the DPW controls permits for work in the ROW. The Bureau of Inspection controls the private side only.

Mr. McCarthy observed that there are also other wide driveways in the neighborhood.

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: yes

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

RESULT: Application approved.

- E. Area Variance: widen an existing 23'-wide concrete driveway by placing 30' of additional concrete to the west side of the existing driveway

Address: *249 Bank Street*

Applicant: Brian Kotarski, contractor

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

The applicant did not attend the meeting.

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

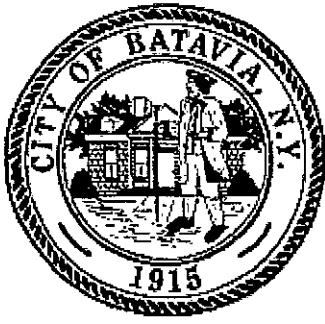
RESULT: Application tabled.

VII. Setting of Next Meeting: June 22, 2023

VIII. Adjournment

Mr. McCarthy adjourned the meeting at 6:36 pm.

Meg Chilano
Recording Secretary



City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020

(585)-345-6345

(585)-345-1385 (fax)

To: Planning and Development Committee
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 5/30/23

Re: 29 Cherry St.
Tax Parcel No. 84.066-1-28

Zoning Use District: R-3

The applicant, Jennifer Lynn Gobeyn (owner), has applied for a permit to remove an existing 20.5' wide asphalt driveway and place a new 22' wide Portland cement concrete driveway in its place.

A zoning variance was granted by the ZBA on 8/28/08 to increase the width of the existing (approx.) 10.5' wide asphalt driveway by adding 10' of width on the west side of the existing driveway.

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

Review and Approval Procedures:

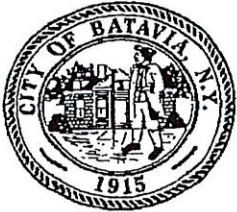
City Planning and Development Committee- Pursuant to section 190-49 C. of the zoning ordinance, the Planning and Development Committee shall review and make recommendations to the ZBA for applications that include parking variances.

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

Required variances- Area

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

	<u>Permitted</u>	<u>Proposed</u>	<u>Difference</u>
Driveway width	20.5' (variance in 2008)	22'	1.5'



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 3023-13

Hearing Date/Time: _____

APPLICANT: Jennifer Lynn Gobeyn jgobe2@brackport.edu
Name E-Mail Address
29 Cherry St 585-703-8363
Street Address Phone
Batavia NY 14020
City State Zip

STATUS: ☐ Owner ☐ Agent for Owner ☐ Contractor

OWNER: Jennifer Lynn Gobeyn jgobe2@brackport.edu
Name E-Mail Address
29 Cherry St 585-703-8363
Street Address Phone
Batavia NY 14020
City State Zip

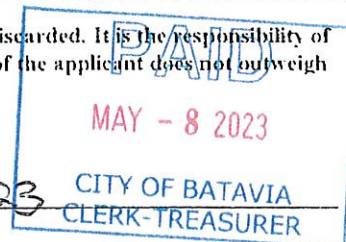
LOCATION OF PROPERTY: 29 Cherry St

DETAILED DESCRIPTION OF REQUEST: Widen private portion of driveway
from current 20 1/2 Ft wide to proposed 22ft wide
(a proposed increase in width of 1 1/2 Ft)

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.

Jennifer Lynn Gobeyn
Applicant's Signature

5/8/2023
Date



Jennifer Lynn Gobeyn
Owner's Signature

5/8/2023
Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.066-1-28 ZONING DISTRICT: R-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: _____

Criteria to Support Area Variance

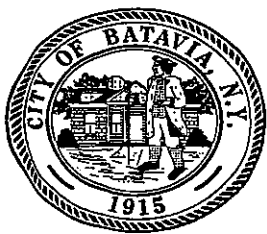
In making its determination, the zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, moral, aesthetics and welfare of the neighborhood or community. The Zoning Board of Appeals shall consider 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 are no other feasible means
3. **Substantiality.** The requested area variance is not substantial.
It 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.
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 self-created

Annalisa Lynn Adams
Applicant's Signature

5/2/2023
Date



Permit No. _____
Date: _____

DRIVEWAY AND PARKING SPACE PERMIT
\$55 fee – Please attach Survey Illustration

ADDRESS OF PROPERTY: 29 Cherry St
OWNER: Jennifer Lynn Gabeyn jgabey2@brockport.edu
Name E-mail Address
29 Cherry St 585-703-8363
Street Address Phone
Batavia NY 14020
City State Zip

CONTRACTOR: Restoration Concrete / Ryan Mattern
Name E-mail Address
826 Shumway Rd mattern.ryan@gmail.com
Street Address Phone
Brockport NY 14420
City State Zip

Jennifer Lynn Gabeyn 5/8/2023
Owner/Contractor's Signature Date

DIMENSIONS OF EXISTING DRIVEWAY: Width 20 1/2 Ft Length 31 1/2 Ft

DIMENSIONS OF NEW DRIVEWAY / ADDITION: Width 22 Ft Length 31 1/2 Ft

SURFACE MATERIAL: Existing pavement Proposed concrete

To be filled out by Zoning Enforcement Officer

TAX PARCEL: _____ ZONING DISTRICT: _____ SURVEY: _____

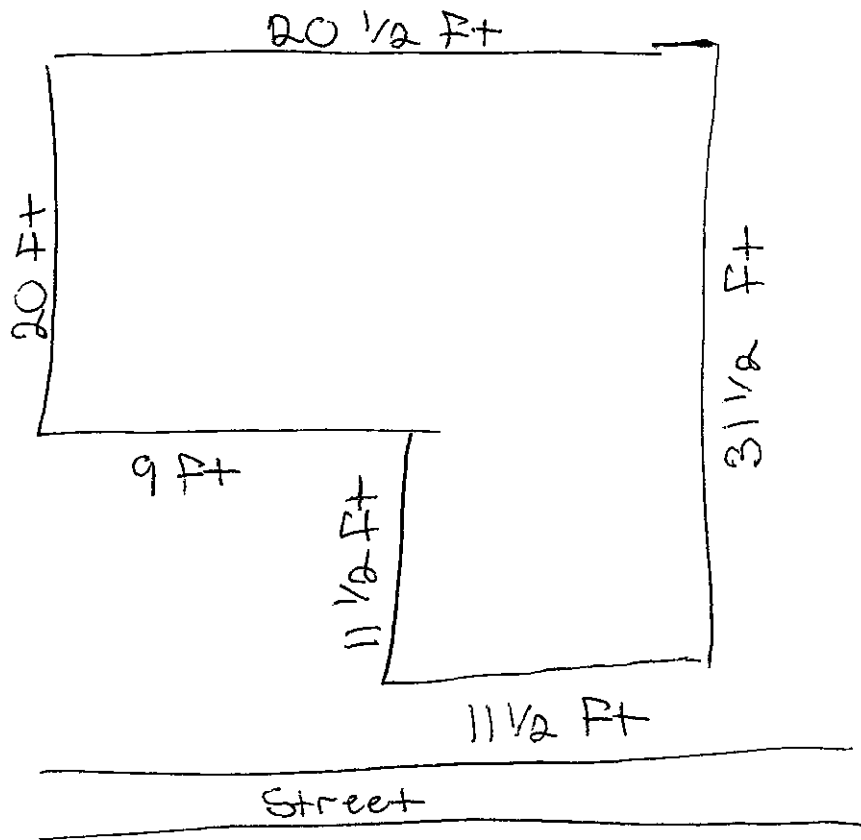
DIMENSIONS OF LOT: Lot Frontage _____ Front Yard _____

PERCENTAGE OF LOT FRONTAGE: _____ SURFACE MATERIAL: _____

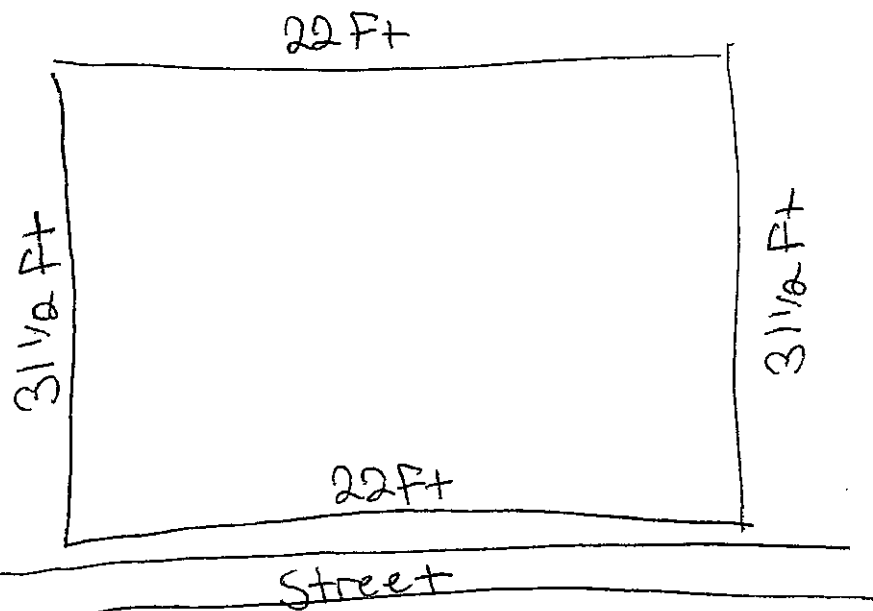
APPROVED: _____ AREA VARIANCE: _____ GRADE PLAN: _____

ISSUING OFFICER: _____ DATE: _____

Current = Pavement



Proposed = Concrete



R/O FELDMAN, CHRISTOPHER J.
INST. #DE2016-306

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



PARCEL SURVEYED
CONTAINING
0.089 +/- ACRE
LIBER 835, PAGE 600

I, GREGORY W. TOWNSEND, CERTIFY TO:
PREMIUM MORTGAGE CORPORATION, ITS SUCCESSORS
AND/OR ASSIGNS, AS THEIR INTERESTS MAY APPEAR
JENNIFER GOBEYN
JOSEPH FRAZIER, ESQ.
DOLLINGER ASSOCIATES, P.C.
THE TITLE INSURANCE COMPANY INSURING THE
MORTGAGE

R/O MRUCZEK, STEPHEN
A. & CAROL
LIBER 805, PAGE 161

R/O MARTIN, JEROLD E.
LIBER 888, PAGE 696

PRINGLE AVENUE

STREET

LOT-9

LOT-7

Lg. Pipe
1.5' S.
0.7' W.

Tilted Pipe
1.3' S.
0.1' W.

Drive
2.3' E.
0.2' W.

Pin

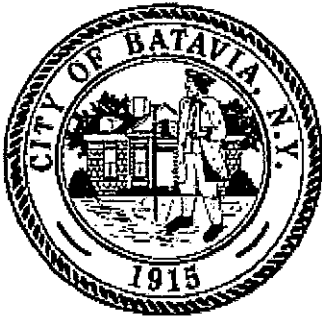
CHERRY STREET (50.0' R.O.W.)

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

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

existing 20 1/2 by 31 1/2

proposed 22 by 31 1/2



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: 5/30/23

Re: 5 Sumner St.
Tax Parcel No. 84.074-1-36

Zoning Use District: R-2

The applicant, Valentino Zinni (owner), has filed an application to place a 12' x 20' one story wood frame shed in the west side yard of this property.

This property is located within the AH special flood hazard area and is subject to additional requirements of the Batavia Municipal Code that include elevating the floor level to a point at least 2' above the base flood elevation. Code compliant alternatives have been proposed and are indicated below.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQ 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 and BMC 87-19 A of the Flood Damage Prevention requirements, the ZBA shall review and act on required variances.

Required variances-

- 1) BMC 190-35 D. Accessory buildings are not permitted to occupy spaces other than a rear yard.
- 2) BMC 87-17 A (1) and/or BMC 87-17 A (2) The lowest floor level of buildings located within a special flood hazard area are required to be elevated to a point 2 or more feet above the base flood elevation; or be flood proofed so that the structure is water tight to a point 3 feet above the base flood elevation.

The applicant is proposing a code compliant alternative flood proofing method that will provide for the equalization of hydrostatic flood forces by allowing automatic entry and exit of floodwaters. A minimum of two openings having a total area of not less than 1 square inch per 1 square foot of enclosed floor area will be placed in the exterior walls. Placement will be made so that each opening is on a separate wall and the bottom of the openings will be no higher than 1 foot above the lowest adjacent finished grade. The openings will permit the automatic entry and exit of floodwaters.

- 3) BMC 87-13 D (1) In special flood hazard areas, an as-built elevation certificate is required upon placement of the lowest floor. This verifies the requirement that the floor is located a minimum of 2 feet above the base flood elevation as is required by BMC 87-17 A (1). An elevation certificate would not be needed if a variance from BMC 87-17 A (1) is granted.



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 2023-14

Hearing Date/Time: _____

APPLICANT: Valentino Zinni
Name Valentino Zinni@gmail.com
E-Mail Address
5 Sumner St
Street Address
Batavia NY (585) 356-1989
City State Phone
14020
Zip

STATUS: ☒ Owner ☐ Agent for Owner ☐ Contractor

OWNER: Valentino Zinni
Name Valentino Zinni@gmail.com
E-Mail Address
5 Sumner St
Street Address
Batavia NY (585) 356-1989
City State Phone
14020
Zip

LOCATION OF PROPERTY: 5 Sumner St Batavia NY

DETAILED DESCRIPTION OF REQUEST: place 12'x20' shed 5 feet from
South west property line

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.

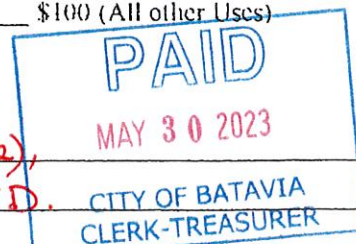
[Signature]
Applicant's Signature 5-8-23
Date
[Signature]
Owner's Signature 5-8-23
Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.074-1-36 ZONING DISTRICT: R-2 FLOOD PLAIN: AH

TYPE OF APPEAL: ☒ Area Variance ☒ \$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 87-17A(1+2),
and BMC 87-13 D(1), and BMC 190-35D.



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, it will make it look better

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 other means

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

No

5. Not Self-Created. The alleged difficulty existed at the time of the enactment of the provision or was created by natural force or governmental action, and was not the result of any action by the owner or the predecessors in title. No


Applicant's Signature

5-8-23
Date

Application Date: _____

APPLICANT NAME Valentino Zinni PHONE 585 356 1989APPLICANT MAILING ADDRESS 5 Sumner StreetAPPLICANT EMAIL tino.zinni@gmail.comProject Location and InformationAddress of Project: 5 Sumner StOwner: Valentino Zinni Phone: (585) 356-1989Owners Mailing Address: 5 Sumner StProject Type/Describe WorkEstimated cost of work: \$3,500Describe project: place prebuilt shed on property

Contractor Information – Insurance certificates (liability & worker comp) required to be on file in our office before issuance of any permit. _____ Liability _____ Workers Comp

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: _____



Project parcel ID No. _____

City of Batavia
Bureau of Inspections
One Batavia City Centre
Batavia, NY 14020
585-345-6345

**Floodplain Development Permit
Application**

Project Address 5 Sumner St Application date _____

Owner: Valentino Zinni tinozinni@gmail.com
Name E-mail address
5 Sumner St Batavia 14020 (585) 356-1989
Mailing Address City Zip Code Phone No.

Flood Hazard Area _____

Provide a detailed description of proposed development/activity within this flood hazard area:

place prebuilt shed on property

Issuance of a floodplain development permit is required for all proposed construction or development within a special flood hazard area. Permits are required to ensure that proposed development projects meet the requirements of the National Flood Insurance Program and the City of Batavia's floodplain ordinance.

Please provide the following documents for preliminary review:

- Completed building permit application with drawings and site plan/property survey
- The proposed elevation, in relation to mean sea level, of the lowest floor, including basement, of new or substantially improved structures
- An elevation certificate prepared by a NYS licensed Land Surveyor or Engineer
- An engineer's design and description of the extent to which any watercourse will be altered or relocated as a result of the proposed development

General information and requirements for development within a special flood hazard area:

- For the purpose of this application, a “structure” is defined as a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
- “Substantial improvement” is defined as any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the start of construction of the improvement. The term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work performed. The term does not, however include either:
 - 1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - 2) Any alteration of an historic structure, provided that the alteration will not preclude the structures continued designation as an historic structure.
- “Basement” is defined as that portion of a building having its floor subgrade (below ground level) on all sides.
 - 1) Basements are not permitted for new or substantially improved structures.
- New or substantially improved structures shall be constructed with materials that are resistant to flood damage and:
 - 1) The lowest floor, including the basement, of the structure shall be elevated 2 feet or more above the base flood elevation.
 - 2) For structures located in the AO zone, new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community’s Flood Insurance Rate Map enumerated in section 3.2. Plus two feet of freeboard, or not less than 3’ in depth if a depth number is not specified.
 - 3) In-lieu of elevation, nonresidential structures may be flood proofed so that the structure is watertight below a level three feet or more above the base flood elevation. Walls must be substantially impermeable to the passage of water and all structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

Flood proofing requires a licensed professional engineer or architect to develop the structural design, specifications, and plans. Prior to issuance of a certificate of occupancy or compliance, a flood proofing certificate or other certification shall be provided to the City certifying the design and methods used are in accordance with accepted standards and meet the provisions to which the structure is to be flood proofed.

- 4) Enclosed areas, other than basements, below the lowest floor of a structure in the A1-A30, AE, or AH shall have openings designed to automatically equalize hydrostatic flood forces on the exterior walls by allowing for the entry and exit of floodwaters.

The openings shall be designed, and/or certified by an engineer or architect, or comply with the following:

There shall be a minimum of two openings, located on separate walls, having a total net area of not less than one square inch for every square foot of enclosed area.

The bottom of the openings shall be no higher than one foot above the adjacent finished grade.

The openings may be equipped with louvers, valves, screens, or other coverings or devices, provided they permit the automatic entry and exit of floodwaters.

Note: Enclosed subgrade spaces (basements) are not permitted, see basement definition.

- 5) All new and substantially improved structures shall be anchored to prevent flotation, collapse or lateral movement during a flood.
- Machinery and equipment (heating, ventilation, air conditioning, generators, water heaters, appliances, elevator machinery, electrical junction and circuit breaker boxes) servicing a building must be either elevated two feet or more above the base flood elevation (BFE) or be designed to prevent water from entering or accumulating within the components during a flood.
 - 1) When machinery and equipment is located below the BFE an architect or engineers design certification is required.
 - New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. Sanitary and storm sewer drainage systems that have openings below the BFE shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall.
 - Additional flood-resistant construction requirements can be found in the New York State Uniform Code (Section 1612 Building Code of NYS and Section 322 of the Residential Code of NYS)
 - The Zoning Board of Appeals may hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by a local administrator in the enforcement of Chapter 87 of the Batavia Municipal Code.

Variances may also be issued for new construction and substantial improvements to properties when it can be demonstrated that the structure or other development is protected by methods that minimize flood damages and creates no additional threat to public safety. A variance may only be granted upon determination that the variance is the minimum necessary considering the flood hazard.

- As-built elevation certification of the lowest floor or flood proofing, prepared by a licensed land surveyor or professional engineer, is required prior to issuance of a certificate of occupancy or compliance.

Applicant (if not the owner):

Name

E-mail address

Mailing address

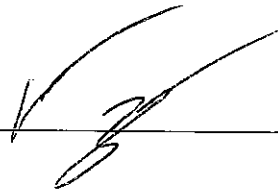
City

Zip Code

Phone No.

1. No work may start until a permit is issued.
2. The permit may be revoked if any false statements are made herein.
3. If revoked, all work must cease until a new permit is issued.
4. Development shall not be used or occupied until a Certificate of Occupancy or Compliance is issued.
5. The permit becomes invalid if work has not commenced within six months of issuance and expires two years from the date of issuance.
6. Other permits may be required to fulfill local, state and federal regulatory requirements.
7. The applicant hereby gives consent to the City of Batavia to make reasonable inspections required to verify compliance.
8. I the Applicant certify, that all statements herein and attached hereto are, to the best of my knowledge, true and accurate.

Applicant's Signature:



Date:

5-9-23

Permit Determination

(to be completed by City of Batavia)

I have determined the proposed activity is in conformance with the flood damage prevention provisions of Batavia Municipal Code Chapter 87. This permit is issued subject to the conditions attached to, and made part of, this permit.

Date of issuance: _____

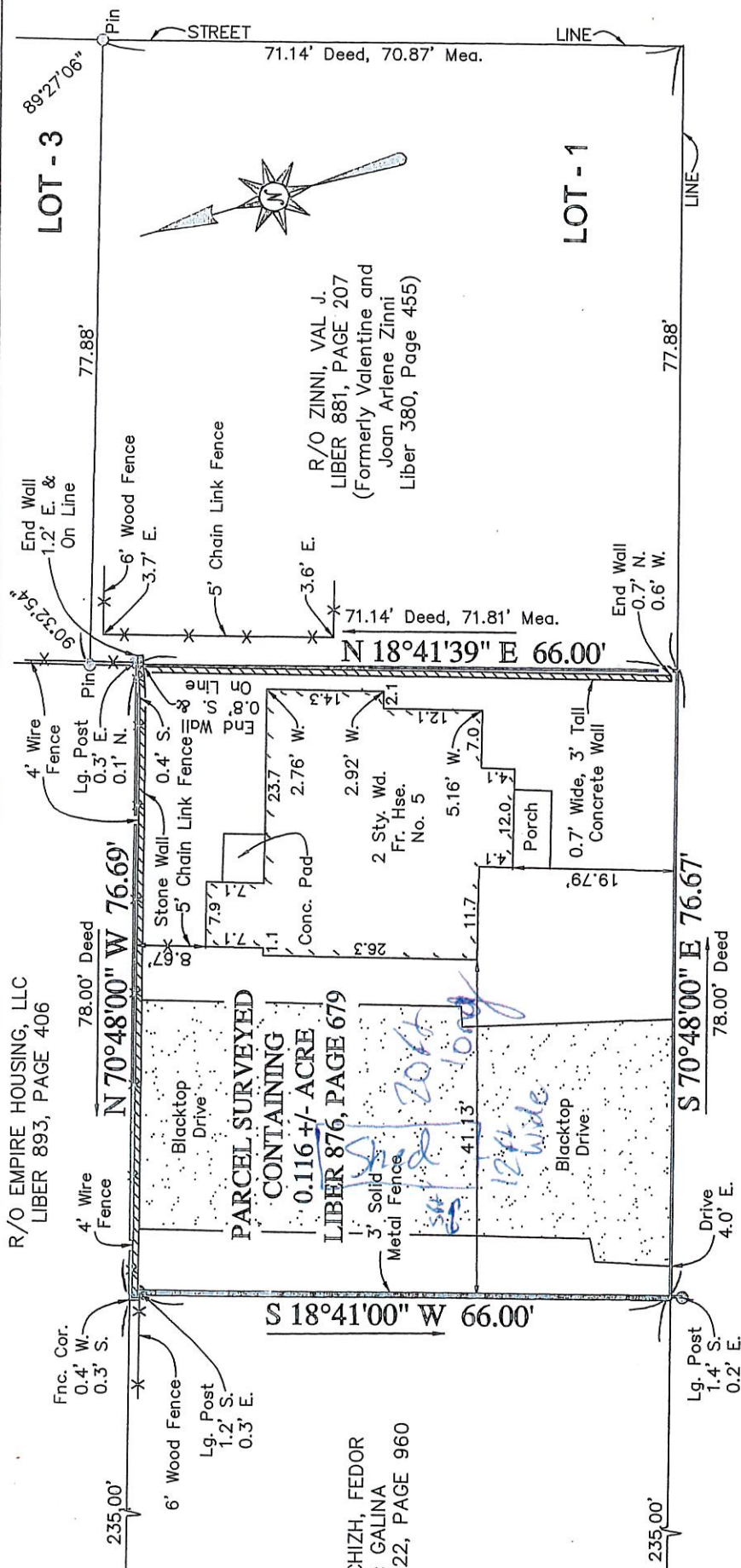
Expiration date: _____

Comments: _____

Date: _____

Code Enforcement Officer

R/O EMPIRE HOUSING, LLC
LIBER 893, PAGE 406



HIZH, FEDOR
: GALINA
22, PAGE 960

SIGNS SUMNER STREET (48.0' R.O.W.)

EGEND
ISTING IRON STAKE

REFERENCES
VEY MAP NO. 90-145 BY DAVID S. LAMENDOLA,
S, DATED JULY 9, 1990
VEY MAP NO. 06-206 BY GREGORY W. TOWNSEND,
S, LAST DATED JUNE 15, 2009
RACE S. HUTCHINS SUBDIVISION FILED AT BOOK 3
MAPS, PAGE 122

BOUNDARY SURVEY SHOWING THE PARCEL
TO BE CONVEYED BEING PART OF ORIGINAL
VILLAGE LOT NO. 31, TOWNSHIP 12, RANGE
1 AND 2 OF THE HOLLAND LAND COMPANY'S
LAND. SITUATE IN THE CITY OF BATAVIA,
COUNTY OF GENESEE AND STATE OF NEW
YORK

JULY 7, 2021 SCALE 1" = 20'
JOB NO. 21-361

DATE 07/07/21 *David S. Lamendola*
N.Y.S.R.L.S. No. 50249

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

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

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