



**BATAVIA CITY COUNCIL
SPECIAL BUSINESS MEETING
City Hall - Council Board Room
June 22, 2015
Following Conference Meeting**

AGENDA

I. Call to Order

II. Public Hearings

- a. Local Law No. 2 of the Year 2015 - Amend §190-9, R-2 Residential Districts, (a) Permitted Principal Uses, (3), and §190-39, Parking Requirements, (a) Off-Street Parking (2), (a), (9) Of The Batavia Municipal Code To Prohibit New Applications For Boardinghouse, Lodging House, Rooming House and Tourist Home as a Permitted Principle use.
- b. Local Law No. 3 of the Year 2015 - Amend §143 Rooming Houses to Prohibit new Applications for Rooming Houses

III. New Business

- a. #52-2015 A Resolution to enter into an agreement with Kenyon Pipeline Inspection, LLC for Cast-in-Place Pipelining
- b. #53-2015 - A Resolution To Schedule A Public Hearing To Provide Information To The Public On The Community Development Block Grant (CDBG) Program

IV. Adjournment

**LOCAL LAW NO. 2 OF THE YEAR 2015
CITY OF BATAVIA**

**TO AMEND §190-9, R-2 RESIDENTIAL DISTRICTS, (A) PERMITTED
PRINCIPAL USES, (3), AND §190-39, PARKING REQUIREMENTS, (A) OFF-
STREET PARKING (2), (a), (9) OF THE BATAVIA MUNICIPAL CODE TO
PROHIBIT NEW APPLICATIONS FOR BOARDINGHOUSE, LODGING
HOUSE, ROOMING HOUSE AND TOURIST HOME AS A PERMITTED
PRINCIPLE USE**

Be It Enacted by the City Council of the City of Batavia, New York as follows:

Section 1. §190-9. Residential Districts

A. Permitted principal uses.

- (3) Boardinghouse, lodging house, rooming house, tourist home, but not tourist camps or cabins. [Effective July 1, 2015 boardinghouse, lodging house, rooming house and tourist home will not be a permitted principle use for new applications. Only existing permits prior to July 1, 2015 will be authorized.]

Section 2. §190-39. Residential Districts

A. Off-street parking.

- (2) Residential and related uses. Minimum parking spaces required for residential and related uses:
 - (a) Provisional parking standards.

[9] Boarding- or rooming house: one space for each ~~bedroom~~. [roomer.]

Deletions designated by ~~strikeout~~

Additions designated as [brackets]

**LOCAL LAW NO. 3 OF THE YEAR 2015
CITY OF BATAVIA**

**TO AMEND §143 ROOMING HOUSES TO PROHIBIT NEW APPLICATIONS
FOR ROOMING HOUSES**

Be It Enacted by the City Council of the City of Batavia, New York as follows:

Section 1. §143. Rooming Houses

§ 143-1. Title.

This chapter shall be known and may be cited as the "City of Batavia Rooming House Ordinance."

§ 143-2. Purpose and intent.

In recognition of the ~~influx~~ [saturation] of ~~semiresident persons~~ [rooming houses] in the city, it is the intent of this chapter to permit [existing] owners of dwellings to ~~provide~~ [maintain] sanitary, safe and attractive rooming houses for ~~such persons~~, in order to promote the public health, welfare and safety of the community. [It is also the intent of this chapter to prevent new rooming houses from being established after the enactment of this amendment.]

§ 143-3. Definitions.

As used in this chapter, unless the context or subject matter otherwise requires, the following definitions shall apply:

ROOMER

A roomer shall be any person renting or hiring habitation space in a dwelling unit hereinbefore defined, not within the second degree of kindred and who does not occupy such space as an incident of employment therein.

ROOMING HOUSE

A rooming house shall be a dwelling unit used wholly for habitation, where rooms for more than two and up to 20-[10] people who would not be classified as a family unit as described in the City of Batavia zoning regulations are offered for hire, with or without meals, with or without kitchen facilities.

§ 143-4. Applicability.

- A. In order to protect the public health, welfare and safety of the community, no person shall operate a rooming house within the City of Batavia without obtaining a permit issued by the ~~Housing Inspector~~ [Code Enforcement Officer] upon the approval of the Planning Board [and Development Committee.] Such permit may be issued, provided that the procedures and standards of this chapter have been complied with.
- B. This chapter shall apply to existing buildings and dwelling houses [that have already received a permit to operate a rooming house prior to July 1, 2015. No new permits shall be issued by the Planning and Development Committee following July 1, 2015 other than renewal permits as outlined in § 143-5 of this chapter.] ~~intended to be renovated and buildings newly constructed for the accommodation of roomers as herein defined.~~
- C. All provisions of the City of Batavia Municipal Code shall apply to the provisions of this chapter, except where exemptions are specifically authorized by this chapter.

§ 143-5. [Renewal of] Permits.

The ~~issuance of a~~ [renewal of a] permit to operate a rooming house shall be granted upon the approval of the ~~Housing Inspector~~ [Code Enforcement Officer] subject to specific terms and conditions as herein provided. If any of these conditions are violated, the permit is subject to revocation [or not being renewed.]

A. General provisions. The following general provisions shall apply:

- ~~(a) All applications for a rooming house permit shall be accompanied by a fee as set from time to time by resolution of the City Council.~~
- (1) All rooming house permits shall be renewed each and every year prior to January 1, and such permit shall be valid for the ensuing calendar year [only.]
- (2) The annual fee for renewing a rooming house permit shall be as set from time to time by resolution of the City Council.
- (3) In the event that a rooming house is sold or the ownership is in any way changed, the existing permit shall be terminated and a new application shall be made as hereinabove set forth. Under no circumstances shall a permit for a rooming house be assigned. Change of ownership without a new application being made shall be grounds for revocation of such permit.
- ~~(4) Any person wishing to operate a rooming house shall make application for a permit. A rooming house operating prior to October 13, 1971, shall not be bound to the restrictions contained in § 143-6 which were not in force at that~~

~~date. Any change in ownership of such a rooming house shall terminate such exemption, however, and the new owner must make application for a rooming house permit.~~

~~(5) No structure changes, alterations or modifications to rooming houses operating prior to October 13, 1971, shall be made except to reduce the degree of nonconformance with the restrictions of this chapter.~~

~~(6)~~(4) Rooming houses legally operating and duly licensed at the time of adoption of the ordinance from which this chapter is derived, and/or which may constitute nonconforming uses under the zoning regulations of the City of Batavia, shall be entitled to the issuance of a license under this chapter upon compliance with all of the provisions of this chapter except those restrictions contained in § 143-6.

B. Procedures for ~~obtaining~~ [renewing a rooming house permit or new application due to change in ownership.] In order to ~~operate a~~ [renew a] rooming house [permit] within the City of Batavia, the following procedures shall be followed:

(1) Applications for a rooming house permit [renewal] shall be ~~in triplicate~~ [completed,] and ~~upon forms~~ furnished by the office of the ~~Chief Inspector~~ [Code Enforcement Officer]. The application shall consist of a sworn statement setting forth:

~~(b)~~(a) The name, address and telephone number of all persons involved as owners and/or operators of the proposed rooming house, a statement detailing a description of the building, ~~the present accommodations therein and the proposed renovations to be made;~~ information regarding the number of roomers to be accommodated and with specific information on the number of persons in each bedroom; ~~information regarding the square footage of the area of living space within the building and the square footage regarding the area of the proposed bedrooms.~~

(b) Where the applicant for a rooming house permit is a nonresident, the application shall identify the name, address and telephone number of a local agent designated to act on behalf of the owner and responsible for the maintenance of the rooming house.

(c) [An inspection by the Code Enforcement Officer of the property and compliance with section 143-6 of this chapter.]

~~(d) In addition there shall be submitted detailed plans, both of the building and the lot upon which the building stands, and detailed use plans of the interior of the building, showing the rooms, their designated purposes, and the square footage of each room, location of windows and doorways and other pertinent information which the office of the Chief Inspector deems~~

~~necessary to protect and promote the public health, welfare and safety of the community. There shall also be set forth in the plans the type of renovation which will be made, with specific mention of building materials, electrical fixtures and type of heating.~~

- (2) In considering the ~~granting~~ [renewal or new application for] of a license [permit to operate] for a rooming house, the ~~Housing Inspector~~ [Code Enforcement Officer] shall take into consideration: ~~the general adaptability of the particular dwelling for renovation as a rooming house;~~

~~(a) Potential traffic problems[that have arisen without resolve;]~~

~~the improvement of the property and of the neighborhood;~~

~~(b) [The] where the present structure is unsafe or in an unsanitary [safety and/or sanitary] condition [of the structure], and the appearance of the building in the neighborhood;~~

~~(a)(c) _____~~ [Refusal to permit an inspection of the property by the Code Enforcement Officer;

~~(b)(d) _____~~ False statements on the application permit;

~~(e)(e) _____~~ Permittee's conviction of a crime;

~~(d)(f) _____~~ Any act or conduct of the permittee which indicates his/her unfitness to operate a rooming house;

~~(e)(g) _____~~ Any activity which affects the safety or tranquility of the surrounding community;]

~~and that by granting such a permit, enable a safe, sanitary and attractive building to be made available for rooming house purposes, where a need for same exists.~~

- (3) In the event the application is denied, the ~~Housing Inspector~~ [Code Enforcement Officer] shall notify the applicant of such action and indicate the reasons for such denial in writing.
- (4) In the event that the application is approved, the ~~Housing Inspector~~ [Code Enforcement Officer] shall set forth all the details and conditions for the granting of such permit in writing to the applicant. In such instances, all and any repairs or improvements, pursuant to the report of the ~~Housing Inspector~~ [Code Enforcement Officer,] shall be considered as conditions for the granting of a permit and shall be made by the applicant as directed prior to the issuance of the permit.
- (5) The granting of such a permit shall also include the conditions necessary for maintenance and renewal of such permit. Under the terms and conditions of

this chapter of the City of Batavia Municipal Code, a rooming house permit shall be subject to revocation if prescribed terms and conditions upon which the permit was issued are not kept and/or it is found that the operations of such rooming house create an adverse impact upon the neighborhood. Adverse impact may include but shall not be limited to: excessive noise, [criminal activity by the roomers on the premise,] undue disturbances affecting the neighborhood and inadequate property maintenance and upkeep.

C. Enforcement. The ~~Housing Inspector~~ [Code Enforcement Officer] shall have all the powers and duties to enforce this chapter and to make inspections, serve notices and orders, and take any other appropriate action, except as otherwise provided in this chapter.

D. Revocation of permit.

- (1) The ~~Housing Inspector~~ [Code Enforcement Officer,] if he or she determines that reasonable grounds exist, may refer to the City Planning Board-[and Development Committee] for a hearing to revoke any permit issued under this chapter.
- (2) The ~~Housing Inspector~~ [Code Enforcement Officer] shall give written notice to the holder of the rooming house permit of the charges, and the time, date and place that they will be presented to the Planning Board [and Development Committee.] Any permit may be revoked for making any false statement in the application for a permit; for a violation of any of the terms and conditions upon which the permit was issued; for any disorderly, indecent or immoral conduct on the premises; or for a violation of any of the rules or regulations, ordinances or laws of the United States, State of New York, County of Genesee or the City of Batavia.
- (3) The ~~Housing Inspector~~ [Code Enforcement Officer] shall cause notice of such referral and the reason or reasons therefor to be served upon the persons named in the application as the owner or holder and also upon the owner of record of the premises so used as a rooming house. Said service shall be by registered mail with a return receipt, directed to the holder of the permit at the subject premises and to the owner of the address of said owner last known to the ~~Housing Inspector~~ [Code Enforcement Officer,] or by personal or substituted service.
- (4) If the City Planning Board-[and Development Committee] finds reasonable cause, the City Planning Board-[and Development Committee] shall set a public hearing to consider revocation of the permit and shall cause a notice thereof specifying the time, date and place of the public hearing to be served in the same manner as above provided. If the City Planning Board-[and Development Committee] finds, after the public hearing, that revocation of the permit is in the best interest of the community, the operator shall be notified

of this decision in writing and an appropriate time for discontinuance of the rooming house established.

§ 143-6. Standards.

The following standards shall be met by an applicant for a rooming house permit:

- A. All applicable provisions of the New York State Uniform Fire Prevention and Building Code, 9 NYCRR Executive Volume B, shall apply to this chapter and shall be the standard imposed by the Bureau of Inspection in determining the fitness of the building for a rooming house, as hereinbefore provided, and shall determine the standards for violations.
- B. The owner or operator of any such rooming house shall provide one car space for each roomer owning and/or keeping a motor vehicle.
- C. A rooming house, as hereinbefore provided, must conform to the zoning requirements as set forth in Chapter 190, Zoning, of this Code.
- D. The maximum number of occupants permitted shall be in compliance with the provisions of the New York State Uniform Fire Prevention and Building Code, 9 NYCRR Executive Volume B, and its applicable standards.
- E. To ensure compliance with the New York State Uniform Fire Prevention and Building Code, ~~all~~[any] plans and specifications [for the structure] shall be prepared by either a New York State registered architect or licensed professional engineer.
- F. No sign advertising the location of a rooming house or the availability of rooms shall be permitted.

§ 143-7. Penalties for offenses.

- A. The penalties for a violation of any of the provisions of this chapter shall be as prescribed in Chapter 1, General Provisions, Article II, General Penalty, of the City of Batavia Municipal Code. In addition to other remedies, the City of Batavia may institute appropriate action to restrain, prevent, enjoin, abate, correct or remove any violation and to take such other legal action as is necessary to carry out the terms and provisions of this chapter.
- B. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law; and all remedies may be pursued concurrently or consecutively, and the pursuit of any remedy shall not be construed as an election or waiver of the right to pursue any and all of the others.

§ 143-8. Appeals.

A. Any person affected by any notice of violation or order issued in connection with the enforcement of any provision of this chapter concerning buildings or structures, or of any rule or regulation adopted pursuant thereto or the denial of issuance of permit, may request and shall be granted a hearing before the ~~City Planning Board~~ [City Planning and Development Committee,] provided that such person shall file in the ~~Office of the Chief Inspector~~ [Department of Public Works] a written request for such hearing, setting forth a brief statement of the grounds therefor, designating the person and his or her address upon whom orders may be served, and setting forth the reasons why such notice of violation or order should be modified or withdrawn.

~~B. If this request~~ Is filed within 10 days after the service of notice of violation or order, compliance with such notice shall not be required while the hearing is pending, except in emergencies or as otherwise provided.

Deletions designated by ~~strikeout~~

Additions designated as [brackets]

#52-2015
A RESOLUTION TO ENTER INTO AN AGREEMENT WITH
KENYON PIPELINE INSPECTION, LLC FOR CAST IN-PLACE PIPELINING

Motion of Councilperson

WHEREAS, in accordance with General Municipal Law Section 103, on May 29, 2015 the City of Batavia issued a competitive bid request for Cast in-place pipelining of sanitary sewers; and

WHEREAS, on June 15, 2015 seven (7) companies submitted sealed bids which were publicly opened and read aloud; and

WHEREAS, a competitive bid was made by Kenyon Pipeline Inspection, LLC for the City of Batavia Pipelining (CIPP) 2015, BID # 2015-20 as specified in the bid document issued May 29, 2015; and

WHEREAS, in accordance with General Municipal Law Section 103, the City of Batavia has canvassed all bids and evaluated responsiveness to the City of Batavia's bid specifications; and

WHEREAS, Kenyon Pipeline Inspection, LLC is the lowest responsible bidder meeting all bid specifications as set forth herein:

The unit price bid is as follows:

Item 603R – Maintenance and Protection of Traffic – Lump Sum - \$500.00
Item 604A – Install CIPP Lining 8” Dia. – 4,200 Linear Feet @ \$28.50/LF - \$119,700.00
Item 605 – Clean & Video Inspection – Lump Sum - \$200.00

Project total bid cost of - \$120,400.00

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Council President is hereby authorized on behalf of the City to execute an agreement with Kenyon Pipeline Inspection, LLC for the cast in-place pipelining of sanitary sewers; and

BE IT FURTHER RESOLVED, that the City Council of the City of Batavia authorizes additional cast in-place pipeline of sanitary sewers to be conducted to not exceed the budgeted amount of \$175,000 based on the Department of Public Works assessment of current sanitary sewer needs.

Seconded by Councilperson
and on roll call

#53-2015

**A RESOLUTION TO SCHEDULE A PUBLIC HEARING TO PROVIDE
INFORMATION TO THE PUBLIC ON THE COMMUNITY DEVELOPMENT
BLOCK GRANT (CDBG) PROGRAM**

Motion of Councilperson

WHEREAS, it is the desire of the City Council to submit applications for the New York State Community Development Block Grant (CDBG) program; and

WHEREAS, the process for CDBG applications involves holding one public hearing prior to submission of any 2015 CDBG grant applications to provide residents with information about the CDBG program and to discuss community development needs and priorities; and

WHEREAS, at this time the City is considering submission of applications for planning and public infrastructure projects; and

WHEREAS, residents are invited to attend the hearing to assist the City in defining community development priorities and to assist the Council in identifying the possible projects for inclusion in the City's application for CDBG funding; and

NOW THEREFORE, BE IT RESOLVED, that the City of Batavia will hold a Public Hearing on the CDBG program at City Hall, One Batavia City Centre, Board Room, Batavia, New York at 5:00 p.m. on Tuesday, July 7, 2015; and

BE IT FURTHER RESOLVED, that the City Clerk publish or cause to be published a Public Hearing notice in the official newspaper of the City of said Public Hearings at least three days prior thereto.

**Seconded by Councilperson
and on roll call**