

# PLANNING & DEVELOPMENT COMMITTEE

Tuesday, April 25, 2017

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

---

## AGENDA

- I. Roll Call
- II. Call to Order
- III. Approval of Minutes – 3/21/17
- IV. Proposals

**Address:** 115 Washington Ave.

**Applicant:** Robert Gerace (real estate agent for owner)

Proposal 1: Change the present use of this existing mixed use building located within the R-3 residential district

Special Use Permit: change the first floor use from a physician's office to an attorney's office

Actions:

- 1. Remove application from the table
- 2. Public hearing
- 3. Action by the board (discussion took place at previous meeting; intent to approve but couldn't approve without a public hearing)

**Address:** 8315 Park Rd. (Batavia Downs)

**Applicant:** Thomas Fraser, PE (designer)

Proposal 2: Construction of a 29,456 sq.' one story wood frame building for uses as a racing paddock

Actions:

- 1. Review application
- 2. Discussion
- 3. SEQR
- 4. Action by the board

**Address:** 151 Oak St.

**Applicant:** Fred Mruczek (builder)

Proposal 3: Site Plan approval: construction of a two story, two family dwelling on this unimproved parcel. On 12/15/16 the Zoning Board of Appeals granted a requested Use Variance to permit the construction of a two family dwelling in this R-1 residential use district.

- Actions:
1. Review application
  2. Public hearing
  3. Discussion and action by the board

**Address:** 552, 554, and 556 East Main St.

**Applicant:** Eric Schaaf (Marathon Engineering)

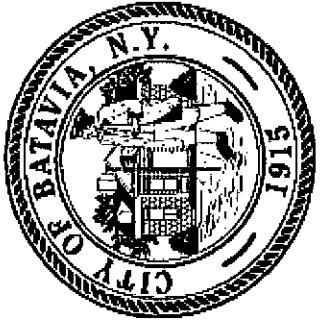
Proposal 4: Sketch Plan Review: clear three parcels and erect a high rise apartment building

- Actions:
1. Review application
  2. Discussion by the board

V. Other/ New Business/Updates

VI. Setting of Next Meeting: May 16, 2017

VII. Adjournment



*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: 3/10/17

Re: 115 Washington Ave.  
Tax Parcel No. 84.041-1-25

Zoning Use District: R-3

The applicant, Robert Gerace (Real Estate Agent) for owner (Dr. Sadeqh Danesh), has filed two applications to change the present uses of this existing mixed used building located within the R-3 (Residential) use district.

The first floor use would change from a physician's office to an Attorney's Office with the issuance of a required Special Use Permit.

The second floor use would change from a permitted use single dwelling unit to a Land Surveyor's Office with authorization of a zoning use variance.

**Review and Approval Procedures:**

**City Planning and Development Committee-**

**Special Use Permit:**

Pursuant to section 190-37 of the zoning ordinance, the Planning and Development Committee may authorize Special Use Permits.

BMC 190-10 C (2) Offices for attorneys, physicians and/or dentists, not exceeding four offices in a single building are permitted uses in the R-3 use district with the issuance of a Special Use Permit.

The following standards serve as a guide for the purpose of reviewing special use applications;  
BMC 190-37 B (1-8) and 190-37 K (1-14).

**Use variance:**

Pursuant to section 190-49 C. of the zoning ordinance, applications for variances that include non-permitted uses shall be referred to the PDC for recommendation to the ZBA.

BMC 190-10 The use of Land Surveyor's Office is not an approved use within the R-3 (Residential) use district.

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

**Required variances- Use**

BMC Sec. 190-10 The use of Land Surveyor's Office is not an approved use within the R-3 (Residential) use district.

The ZBA will be the lead agency to conduct SEQR.





PERMIT NO. \_\_\_\_\_

# SPECIAL USE PERMIT

CITY OF BATAVIA, NEW YORK

LOCATION: 115 Washington Ave  
OWNER: SADegh Danesh  
Address: \_\_\_\_\_

Application Date: 3/16/17  
Tax Parcel No.: 84-644-1-25  
Phone No.: \_\_\_\_\_

No COUNTY PLANNING REVIEW

No ZONING VARIANCE REQUIRED

R-3 ZONING DISTRICT

No HISTORIC DISTRICT

No FLOOD ZONE

No HISTORIC LANDMARK

No CORNER LOT

No CITY ENGINEER REVIEW

No SITE PLAN REVIEW

No CITY COUNCIL REVIEW

No BID

\_\_\_\_ OTHER

PROJECT DESCRIPTION:

The 1st Floor of the Property  
To Be used as an Attorneys Office.  
Bmc 190-10. c.(2) - Attorney office is an approved use with issuance of a  
special use permit.

EXISTING USE: Dr. Office

PROPOSED USE: Attorney Office

N.Y.S. BLDG. CODE OCC. CLASS: \_\_\_\_\_

N.Y.S. BLDG. CODE OCC. CLASS: mixed B4/Fam.

LOT SIZE: 48x190

LOT AREA: 9,120 sq. ft.

CITY PLANNING & DEVELOPMENT REVIEW:

\_\_\_\_ APPROVAL AS PRESENTED \_\_\_\_ DISAPPROVAL \_\_\_\_ APPROVAL WITH CONDITIONS

CHAIRMAN SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

Sadegh Danesh 3-6-17  
Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_  
Issuing Officer \_\_\_\_\_

Permit Fee: \_\_\_\_\_ Issue Date: \_\_\_\_\_



# CITY OF BATAVIA

## APPLICATION TO THE ZONING BOARD OF APPEALS

PAID

MAR 15 2017

Application No.: 17-01

Hearing Date/Time:

### APPLICANT:

Name Robert Goran Clerk-Treasure E-Mail Address robert.goran@co.batavia.ny.us  
Street Address 103 Elm St Phone 585-813-4902  
City Batavia State NY Zip 14020

### STATUS:

\_\_\_ Owner X Agent for Owner \_\_\_ Contractor

### OWNER:

Name Sadegh Danesh E-Mail Address DonTGoleF@gmail.com  
Street Address 115 Washington Ave Phone 739-7343  
City Batavia State NY Zip 14020

### LOCATION OF PROPERTY:

115 Washington Ave Batavia NY

### DETAILED DESCRIPTION OF REQUEST:

To Allow 2nd Floor of Building  
To Be Used As Surveyor Office. Also 1st  
Floor to Be Used As Attorney Office.

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

*Robert Goran*

Date

3-6-17

### Owner's Signature

*Sadegh Danesh*

Date

3/6/17

To be Filled out by Zoning Officer

TAX PARCEL: 84.041-1-25

ZONING DISTRICT: R-3

FLOOD PLAIN: NO

### 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 190-10 Use of the second floor

Occupancy for Surveyor's Office is not an approved principal use or  
permitted use with a special use permit within the R-3 use dist.



**Appendix B**  
**Short Environmental Assessment Form**

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

**Part 1 - Project and Sponsor Information**

Name of Action or Project: <i>115 WASHINGTON AVE - PROPOSED OFFICE USE</i>		Telephone: <i>585-813-4902</i>		
Project Location (describe, and attach location map): <i>115 WASHINGTON AVE BADAVIA NY 14020</i>		E-Mail: <i>ROBERT@GRACECENTRY.COM</i>		
Brief Description of Proposed Action: <i>To Allow 1st Floor Attorney Office and 2nd Floor Surveyor Office -</i>				
Name of Applicant or Sponsor: <i>Robert Gerace</i>	Address: <i>103 Elm Street</i>	City/PO: <i>Badavia</i>	State: <i>NY</i>	Zip Code: <i>14020</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO	YES
			<i>X</i>	<i>X</i>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO	YES
			<i>X</i>	
3.a. Total acreage of the site of the proposed action? <i>.20</i> acres				
b. Total acreage to be physically disturbed? <i>0</i> acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <i>.20</i> acres				
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?		NO	YES	N/A
		X		
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?			NO	YES
				X
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____			NO	YES
			X	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			NO	YES
			X	
				X
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____			NO	YES
				X
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____			NO	YES
				X
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____			NO	YES
				X
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?			NO	YES
			X	
			X	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			NO	YES
			X	
			X	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban				
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?			NO	YES
			X	
16. Is the project site located in the 100 year flood plain?			NO	YES
			X	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <u>Existing Systems</u>			NO	YES
				X



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	X	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	X	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	X	

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

Applicant/sponsor name: Robert J. Gerace Date: 3-6-17

Signature: [Signature] (Dm)

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2.** Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: <div style="margin-left: 20px;">             a. public / private water supplies?              b. public / private wastewater treatment utilities?           </div>		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Name of Lead Agency _____	Date _____
Print or Type Name of Responsible Officer in Lead Agency _____	Title of Responsible Officer _____
Signature of Responsible Officer in Lead Agency _____	Signature of Preparer (if different from Responsible Officer) _____

Project:

Date:

## *Short Environmental Assessment Form*

### *Part 2 - Impact Assessment*

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]

Project:

Date:

## ***Short Environmental Assessment Form***

### ***Part 3 Determination of Significance***

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<hr/>	
Name of Lead Agency	Date
<hr/>	
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<hr/>	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**



## **Use Variance Application**

### ***Statement of Unnecessary Hardship***

In order for the Zoning Board of Appeals to grant a use variance, an applicant must show documentation in the record that the restrictions of the Zoning Ordinance has caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the Zoning Ordinance for the particular district where the property is located, that all four (4) requirements as per §81-b of the General City Law have been proven. Additional documentation may be included. If any one of these requirements have not been proven, the Zoning Board of Appeals must deny the variance, as per §81-b of the General City Law.

Explain **how** the request conforms to EACH of the following requirements (additional pages may be attached):

1. **Reasonable Return.** The subject property is not capable of yielding a reasonable rate of return if used for its present use or developed, redeveloped or used for any other use permitted in the district in which such property is located. There is no means other than the granting of the variance by which the property can yield a reasonable return. Such inability to yield a reasonable return must be shown by specific fact (dollars and cents) from an expert or authority in economic deprivation, not the unsupported opinion of the owner or those appearing for the owner.

*“The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence”*

---

The proposed use of the building is for (2) owner occupied office spaces. There will be no income produced from them.

---

---

---

(Please provide / attach competent financial evidence)

2. **Unique Hardship.** The inability to yield a reasonable return results from a unique circumstance peculiar to the subject property which does not apply to or affect other properties in the immediate vicinity that are subject to the same regulations. The personal situation of the owner shall not be considered unique.

*“The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood”*

---

A surveyors office is not listed as a permitted use. Why? This is for an office of attorney/surveyor with less foot traffic than it would be if it were (2) doctors offices being used on the property at the same time.

---

---

---

3. **Essential Character of the Neighborhood.** The granting of the variance will not be materially detrimental to the public health, safety, and welfare or injurious to the enjoyment, use or development of neighboring properties or the community. Applicant must demonstrate that the proposed use will not change the essential character of the neighborhood with regard to such physical and environmental elements such as parking, traffic, signage, landscape, architectural and structural features, location and dimensions of buildings, any by-products of proposed use such as noise or smoke, and any other impacts upon adjacent or neighboring lands.

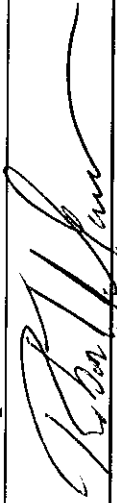
*“The requested use variance, if granted, will not alter the essential character of the neighborhood”*

The requested use as an attorneys office and 2nd floor surveyors office will have no impact on the neighborhood as to additional foot traffic or parking issues. The property has approximately 6 parking spaces there is also on street parking available. There are presently many other office spaces and doctors/dentists/attorneys offices in the area.

4. **Not Self-Created.** The inability to yield a reasonable return is not the result of any action by the owner or predecessors in title. The applicant must show that when the property was purchased the zoning restrictions from which a use variance is now sought were not in existence or that some other change or factor has occurred that has resulted in an inability to yield a reasonable return. Otherwise, the hardship is self-created.

*“The alleged hardship has not been self-created”*

The proposed use of the building is in line with permitted uses. -As like kind-etc. Our claim to this is that the current code 190-10 (R3) needs to be amended to allow more discretion as to what permitted uses should be allowed so not to inhibit reasonable use for office space doctors/dentists, etc. Thank you.



**Applicant's Signature**

03/06/2017

**Date**

**Provider of Financial Evidence**

**Date**

## USE VARIANCE

### Statement of Income and Expense

*All Entries Must be Completed and Documented for at Least Two (2) Calendar Years  
or From the Date of Purchase Whichever is Less*

PROPERTY ADDRESS: 115 Washington Avenue, Batavia, NY 14020

#### A. PROPERTY DATA

1. Date property was purchased by current owner \_\_\_\_\_  
2. Was a Certificate of Occupancy issued? 01/29/2004  
Date of Issuance? \_\_\_\_\_  
If so, for what use(s)? \_\_\_\_\_  
If not, why? \_\_\_\_\_

3. Cost of Purchase \$77,000

4. a) Amount of Mortgage \_\_\_\_\_ Interest Rate \_\_\_\_\_  
Mortgage Holder \_\_\_\_\_ Duration \_\_\_\_\_  
Address \_\_\_\_\_

b) Amount of Mortgage \_\_\_\_\_ Interest Rate \_\_\_\_\_  
Mortgage Holder \_\_\_\_\_ Duration \_\_\_\_\_  
Address \_\_\_\_\_

c) Amount of Mortgage \_\_\_\_\_ Interest Rate \_\_\_\_\_  
Mortgage Holder \_\_\_\_\_ Duration \_\_\_\_\_  
Address \_\_\_\_\_

5. Is the property for sale? Yes \_\_\_\_\_  
If so, for how long One Month  
Asking price \$125,000  
For what use(s) Doctors office/Lower, Apartment/Upper  
Have any offers been received One offer  
If so, for what amount(s) \_\_\_\_\_

Summarize any attempts to sell the property This has been the first  
attempt to sell the property. \_\_\_\_\_

6. Present value of property \$102,000  
Source(s) Tax records - Assess Value

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

USE	INCOME
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
TOTAL RENTAL INCOME	
LESS VACANCY FACTOR	
(Attach explanation if greater than 8%)	
TOTAL GROSS INCOME	

**C. ANNUAL EXPENSES**

1.	<u>Annual Fixed Charges</u>	
	Real Estate Taxes (City & County)	
	Insurance	
	Average Annual Interest (over next 5 years)	
2.	<u>Operating Expenses</u>	
	Electric	
	Fuel	
	Water	
	Advertising	
	Miscellaneous (attach explanation)	
3.	<u>Maintenance Expenses (attach list)</u>	
	Repairs	
	General Building Maintenance	
	Yard and Ground Care	
	Miscellaneous	
TOTAL ANNUAL EXPENSES		
Profit or Loss		

**D. TOTAL INVESTMENT**

- 1. Downpayment
- 2. Capital Improvements (attach list)
- 3. Principal Paid to date (original mortgage less current principal balance)


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

--

**E. RATE OF RETURN = Profit or Loss**

TOTAL INVESTMENT

--

**Signature of Preparer**

--

**Date**

--

**Profession of Preparer**

--

115 Washington Ave, Batavia, NY 14020-2112, Genesee County

Owner Information

Owner Name: Danesh Sadegh

Owner Name 2:

Do Not Mail:

Owner Occupied: Yes

Tax Billing Address: 115 Washington Ave

Tax Billing City & State: Batavia, NY

Tax Billing Zip: 14020

Tax Billing Zip+4: 2112

Location Information

School District: 180200

School District Name: Batavia

Subdivision:

Township : Batavia

Census Tract: 9506.00

Carrier Route: C015

Zoning: R-

Assessment District : C

Location Influence : 09/16/1982

Flood Zone Code: 3602790001B

Flood Zone Date:

Flood Zone Panel:

Tax Information

Tax ID : 180200-084-041-0001-025-000% Improved: 75%

Alt. Tax ID : 180200A0840410001025000

Lot # : 25

Block # : 1

Legal Description: 127 005785A

SWIS Code : 180200

Tax Appraisal Area: 0200

Assessment & Tax

Assessment Year 2016

Assessed Value - Total \$102,000

Assessed Value - Land \$25,000

Assessed Value - Improved \$77,000

YOY Assessed Change (\$) \$0

YOY Assessed Change (%) 0%

Market Value - Total \$102,000

Market Value - Land \$25,000

Market Value - Improved \$77,000

Exempt Building Value

Exempt Land Value

Exempt Total Value

2014

\$102,000

\$25,000

\$77,000

\$0

0%

\$102,000

\$25,000

\$77,000

Characteristics

Land Use - State : 2 Family Resid

Land Use - CoreLogic : Duplex

Lot Acres: 0.1

Lot Sq Ft: 4,356

Lot Frontage: 48

Lot Depth: 190

Total Units:

Total Buildings:

Building Type:

Parking Type:

No. Parking Spaces:

Garage Type:

Garage Capacity:

Garage Sq Ft:

Style:

Stories:

Year Built: MLS: 1

Effective Year Built: MLS: 1940

Building Sq Ft: MLS: 1,200

Above Grade Sq Ft:

Ground Floor Sq Ft :

2nd Floor Sq Ft :

Gross Sq Ft: MLS: 1,700

Bedrooms:

Total Baths:

Full Baths:

Half Baths:

Total Rooms:

Basement Type:

Basement Sq Ft:

Finished Basement Sq Ft :

Fireplaces:

Heat Type:

Heat Fuel Type:

Cooling Type:

Electric Service Type:

Other Rooms:

Exterior:

Condition:

Quality:

Patio Type:

Patio/Deck 1 Sq Ft :

Patio/Deck 2 Sq Ft :

Porch:

Porch 1 Sq Ft:

Pool:

Pool Size:

Water:

Sewer:

Type Unknown

Commercial

Commercial

Features

Feature Type Unit

Size/Qty

Width

Depth

Year Built

Value

Building Description

Building Size

Estimated Value

RealAVM™ (1): **\$102,228** Confidence Score (2): **67**  
RealAVM™ Range: **\$79,738 - \$124,718** Forecast Standard Deviation (3): **22**  
Value As Of: **01/27/2017**

(1) RealAVM™ is a CoreLogic® derived value and should not be used in lieu of an appraisal.  
(2) The Confidence Score is a measure of the extent to which sales data, property information, and comparable sales support the property valuation analysis process. The confidence score range is 60 - 100. Clear and consistent quality and quantity of data drive higher confidence scores while lower confidence scores indicate diversity in data, lower quality and quantity of data, and/or limited similarity of the subject property to comparable sales.  
(3) The FSD denotes confidence in an AVM estimate and uses a consistent scale and meaning to generate a standardized confidence metric. The FSD is a statistic that measures the likely range or dispersion an AVM estimate will fall within, based on the consistency of the information available to the AVM at the time of estimation. The FSD can be used to create confidence that the true value has a statistical degree of certainty.

Listing Information

MLS Listing # : **R1020107** MLS Orig. List Price : **\$1,200**  
MLS Status : **A-Active** MLS Contingency Date:  
MLS Area : MLS Pending Date:  
MLS D.O.M : **25** MLS Sale Date :  
MLS Status Change Date : **01/10/2017** MLS Sale Price:  
MLS Listing Date : **01/10/2017** MLS Withdrawn Date:  
MLS Current List Price : **\$1,200**

MLS Listing # R318189 B440293  
MLS Status X-Expired S-Closed/Rented  
MLS Listing Date 08/10/2016 10/11/2013  
MLS Listing Price \$1,200 \$800  
MLS Orig Listing Price \$1,200 \$1,000  
MLS Sale Date 02/24/2014  
MLS Sale Price  
MLS Expiration Date 12/31/2016 04/11/2014  
MLS Withdrawn Dat 12/31/2016 02/28/2014

Last Market Sale & Sales History

Recording Date: **01/29/2004** Owner Name 2:  
Sale Date : **01/29/2004** Seller:  
Sale Price: **\$77,000** Document Number:  
Price Per Square Feet: Deed Type:  
Owner Name: **Danesh Sadegh**

**Danosos Douglas A**  
**830-161**  
**Warranty Deed**

Recording Date 01/29/2004  
Sale/Settlement Date 01/29/2004  
Sale Price \$77,000  
Nominal  
Buyer Name Danesh Sadegh  
Buyer Name 2  
Seller Name Danosos Douglas A  
Document Number 830-161  
Document Type Warranty Deed

Mortgage History

Mortgage Date  
Mortgage Amount  
Mortgage Lender  
Mortgage Type

Foreclosure History

Document Type  
Default Date  
Foreclosure Filing Date  
Recording Date  
Document Number  
Book Number  
Page Number  
Default Amount  
Final Judgment Amount  
Original Doc Date  
Original Document Number

Courtesy of Robert Gerace, New York State Alliance MLS

The data within this report is compiled by CoreLogic from public and private sources. If desired, the accuracy of the data contained herein can be independently verified by the recipient of this report with the applicable county or municipality.

Property Detail





MLS#:	R1026234	Multi-Family Res (2-4) units	A-Active
County:	Genesee	Zip:	14020
Town:	Batavia-City	Pstl City:	Batavia
Area #:	Batavia-City-180200		
Subdivision:	180200-084-041-0001-025-000		
TxMap#:			
City Nghbrhd:	Batavia		
School Dist:	Batavia High		
High School:			
Middle School:			
Elem School:			
Type of Sale:	Normal		
# Attach:	1		
Acre:	0.10		
Lot Front:	48		
Lot Depth:	190		
Lot Shape:	Rectangular		
Lot #:			
SqFt:	2,700		
Year Built:	1940		
Yr Blt Desc:	Existing		
# Photo:	25		



Offc Name:	Offc Address:	Offc Llc#:
Gerace Realty, LLC (GER01)	6 Ellicott Avenue Batavia, NY 14020	LA Cell # LA Accts Txt: Yes 585-813-4902
Robert J. Gerace (10606)	LA Email: LA Dir Phone/Fax: Sadegh Danesh	Comp (SA): Comp (BA): Comp (Brk): Exclusions: List Date: Expire Date: DOM:
Owner Name:	Owner 2:	07/10/2017
Owner Address:	115 Washington Ave Batavia, NY 14020	02/15/2017
Listings Type:	Exclusive Right To Sell	07/10/2017
Service Type:	Spc Conditions: No	07/10/2017
Negotiation w/:		07/10/2017
Show Appt/Desc:		07/10/2017
Private Rmrks:		07/10/2017
Branded VT:		07/10/2017
Unbranded VT:		07/10/2017
Sub Board:		07/10/2017

General Information		Commercial Zoning	
Lot Info:		Exterior Constr:	Vinyl
		Rent Includes:	No Utilities
		Attic:	Full, Stair Access, Unfinished
		Foundation:	Block, Stone
		# Apartmt:	2
		# Elec Mtr:	1
		# Gas Mtr:	1
		# Heat Un:	2
		# Stories:	2.5
		# Gar Sp:	0.0
Type of Res:	Duplex, Mixed Use		
Prk/Driveway:	2 or More Spaces, Blacktop, Parking Area		
Basement:	Exterior Walkout, Full		

On Wtrfrnt:	No	Desc:	Footage:	Island Name:	No
Unit Information					
Apt 1	Studio? No	Living Rm: 12X12	Dining Rm: 10X10	Kitchen: 14X13	BR 1: 12X13
# Beds:	2	# Baths: 1/0	# Rooms: 5	Rent: \$0	Own Occ: Yes
Features:	Dining Area With Living Room, Eat-In Kitchen, Living Room				
Appliances:	Dishwasher, Oven/ Range, Refrigerator, Microwave				
Type of Tenancy:	Owner Occupied				
Apt 2	Studio? No	Living Rm:	Dining Rm:	Kitchen:	BR 1:
# Beds:	0	# Baths: 1/1	# Rooms: 7	Rent: \$1,200	Own Occ: No
Features:	Other - See Remarks, Porch				
Appliances:					
Type of Tenancy:					
Lease Expires:					

**Public Remarks:** Move - in Condition - Office space.. Has been used for Doctors office with 2 exam rooms, 2 office areas, break room , 2 waiting rooms, enclosed rear entrance ramp. Paved private parking lot. 2 entrances. Convenient location for Downtown office. Attorneys, Dentist, Etc. \* 1st floor doctors office etc. and 2nd floor owner occupied, 2 bedroom apartment. Building is set up for 2 gas meters and 2 electric meters. But only using one meter each currently. Owner willing to lease 1st floor office space. See MLS # R1020107

**Directions:** From Bank Street: Left onto Washington Ave. Property is on the right side  
**Interior & Exterior Features**  
**Appliances:** Dishwasher, Microwave, Negotiable, Oven/Range Gas-Some, Refrigerator  
**Add'l Interior Features:** Ceiling Fan, Circuit Breakers - Some, Copper Plumbing - Some, Laundry- Separate Hook ups- Some, Natural Woodwork - some  
**Add'l Exterior Features:** Partially Fenced Yard, Private Yard - see Remarks, Thermal Windows - Some  
**Accessability:** Accessible/ANSI - some, Adaptable Home - some, No Step Entry, Ramp  
**Floor:** Vinyl-Some, Wall To Wall Carpet-Some

**HVAC Type:** AC-Central, Forced Air  
**Heating Fuel:** Gas  
**Water Htr Fuel:** Gas  
**Type of Well:** None  
**Separate Util:**  
**Utilities Information**  
**Sewer:** Sewer Connected  
**Water:** Public Connected  
**ENERGY STAR®**  
**Qualified:**  
**Well Location:**

**Possible Fin:** Cash, Conventional  
**Operating Exp:** Other - See Remarks  
**Gross Income:**  
**1st Mtg Bal:** \$0  
**2nd Mt Bal:** \$0  
**Orig. List Price:** \$125,000  
**PriceChg Time:**

**Anal Op Exp:** \$125,000  
**Escrow Agt/Bnk:** Gerace Realty LLC/M & T Bank  
**Anal Spc Assess:** \$0  
**Assess Val:** \$102,000  
**School Tax:** \$2,427  
**City/Vil Tax:** \$940  
**Town/Cnty Tax:** \$1,004  
**Net Op Inc:**  
**Total Taxes:** \$4,371

Type Tenancy:	Cert of Occup:					Fax Info:	
	Not Required						
Possession:	After Closing		Display & Occupancy Information				
Internet:	Yes	Inet St Addr:	Yes	IDX:	Yes	AVM:	Yes
			Blog:		No	Realtor.com: Yes	
MLS#: R1026234							
Gerace Realty, LLC							
6 Elllicott Avenue Batavia, NY 14020							
NY Licensed Assoc. R.E. Broker							
Listing content is subject to copyright and license agreements, and may only be used as permitted by MLS rules, regulations, and							
policies. Listing content is not guaranteed accurate by the MLS Monday, March 6, 2017							

8:29 AM

ecode360.com

 Print  @   Get Updates  Search  Selected

## § 190-9 R-2 Residential Districts.

### § 190-10 R-3 Residential Districts.

In R-3 Residential Districts, no building or structure shall be erected, altered or extended, and no land, building or structure or part thereof shall be used for other than one or more of the following uses:

#### A. Permitted principal uses.

- (1) Any principal use permitted in R-2 Residential Districts.
- (2) Fraternity, sorority, dormitory, club house, except a club the chief activity of which is a service customarily carried on as a business.
- (3) Private nursery school or kindergarten.

#### B. Permitted accessory uses.

- (1) Such accessory uses as are customarily incidental to the above uses including home occupations and home professional uses subject to the provisions of § 190-35.
- (2) Off-street parking, subject to the provisions of § 190-39.
- (3) Signs subject to the provisions of § 190-43.

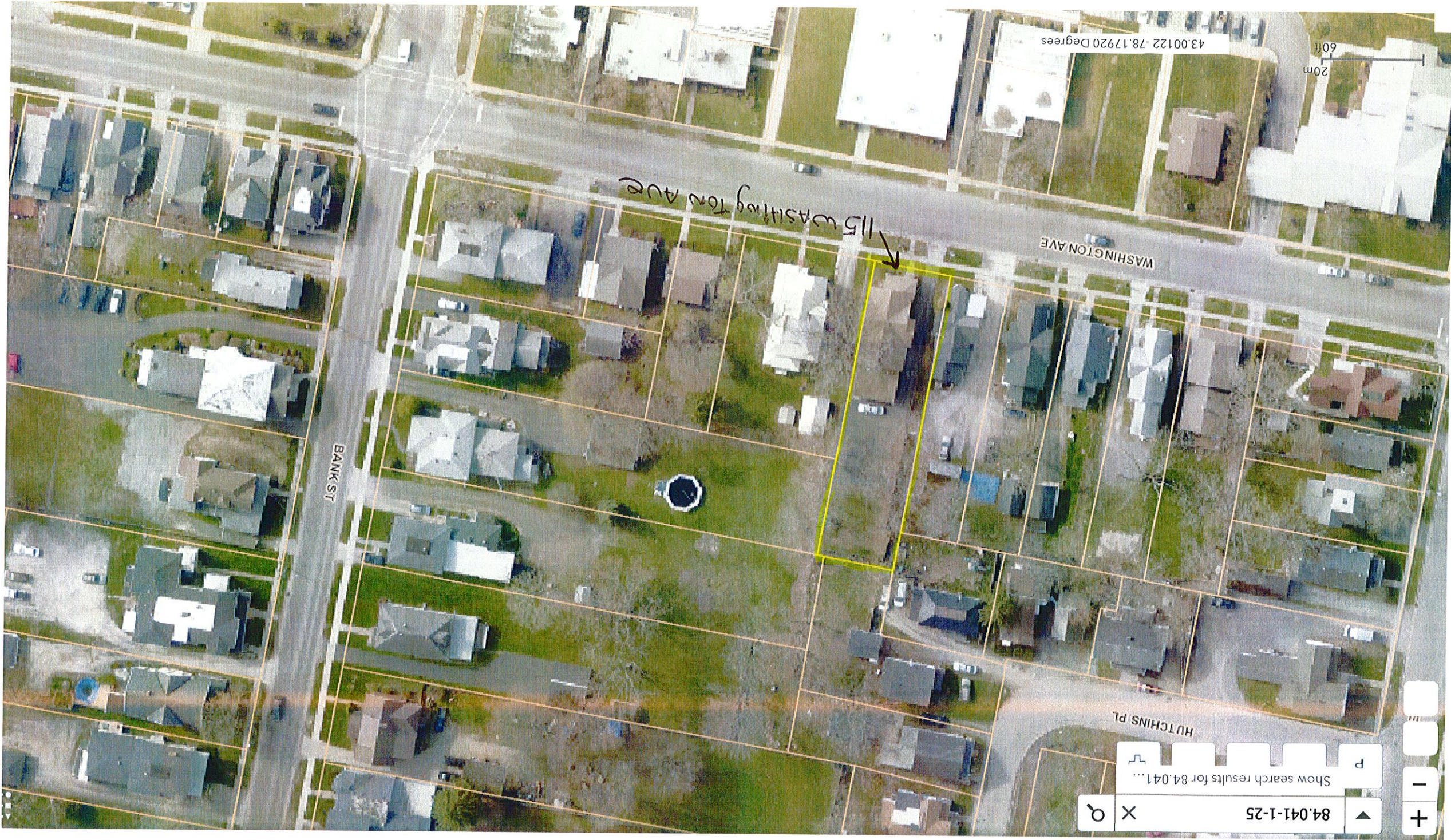
#### C. Uses permitted with special use permits.

- (1) Municipal or public utility structures or facilities when necessary for the service of a neighborhood and of a kind and character in keeping with the residential character of the neighborhood.

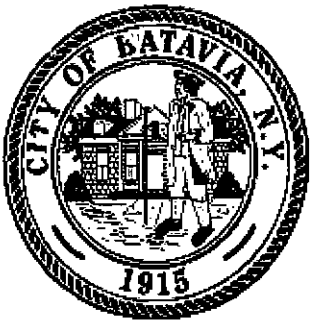
- (2) Offices for attorneys, physicians, and/or dentists, not exceeding four offices in a single structure.

- (3) High-rise apartments.









*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

From: Doug Randall, Code Enforcement Officer

Date: 3/30/17

Re: 8315 Park Rd.  
Tax Parcel No. 71.017-2-48

Zoning Use District: C-2

The applicant, Thomas Fraser, PE (designer), is seeking approval to construct a 29,456 sq.' one story wood frame building for use as a racing paddock.

**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 190-44 B(1) and 190-44 C(1)(a) of the zoning ordinance, the Planning and Development Committee shall conduct a site plan review for any new building that increases the lot coverage by more than 1,300 sq.'.

The PDC will be the lead agency to conduct SEQR.

**SEND OR DELIVER TO:**

GENESEE COUNTY DEPARTMENT OF PLANNING  
3837 West Main Street Road  
Batavia, NY 14020-9404  
Phone: (585) 344-2580 Ext. 5467

**DEPARTMENT USE ONLY:**

GCDP Referral # \_\_\_\_\_

**\* GENESEE COUNTY \*  
PLANNING BOARD REFERRAL**

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

**1. REFERRING BOARD(S) INFORMATION**Board(s) Planning and Development CommitteeAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345 - 6347 Ext. \_\_\_\_\_**2. APPLICANT INFORMATION**Name Thomas Fraser, PE (Fraser Engineering and Design)Address 7670 Chase Rd.City, State, Zip Lima, NY 14485Phone (585) 424 - 5464 Ext. \_\_\_\_\_ Email tom.fraser@fraserles.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 8315 Park Rd.B. Nearest intersecting road Lewiston Rd.C. Tax Map Parcel Number 71.017-2-48D. Total area of the property 48 acres Area of property to be disturbed 1.5 acresE. Present zoning district(s) C-2**5. REFERRAL CASE INFORMATION:**

A. Has this referral been previously reviewed by the Genesee County Planning Board?

☒ NO ☐ YES If yes, give date and action taken \_\_\_\_\_B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law  
\_\_\_\_\_C. Please describe the nature of this request Approval to construct a 29,456 sq.' building for use as a race paddock.  
\_\_\_\_\_  
\_\_\_\_\_**6. ENCLOSURES** – Please enclose copy(s) of all appropriate items in regard to this referral☒ Local application☒ Site plan☐ Subdivision plot plans☒ SEQR forms☐ Zoning text/map amendments☐ Location map or tax maps☒ Elevation drawings☐ Agricultural data statement☐ New or updated comprehensive plan☒ Photos☒ Other: Cover letter

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17.

Email to [planning@co.genesee.ny.us](mailto:planning@co.genesee.ny.us)**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 drrandall@batavianewyork.com



**GENESEE COUNTY PLANNING BOARD  
ZONING REFERRALS NOTICE OF FINAL  
ACTION**

GCDP Referral ID **C-12-BAT-4-17**  
Review Date **4/13/2017**

Municipality **BATAVIA, C.**  
Board Name **CITY PLANNING AND DEVELOPMENT COMM.**  
Applicant's Name **Thomas Fraser, PE (Fraser Engineering and Design)**  
Referral Type **Site Plan Review**  
Variance(s)  
Description: **Site Plan Review to construct an 29,456 sq. ft. race paddock at the Batavia Downs racetrack.**  
Location **8315 Park Rd., Batavia**  
Zoning District **General Commercial (C-2) District**

**PLANNING BOARD DECISION**

**APPROVAL**

**EXPLANATION:**

**The proposed race paddock is consistent with the prior and existing uses on the property and should pose no significant county-wide or inter-community impact.**

Director

April 13, 2017

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.



**PROPOSED**  
**BATAVIA DOWNS NEW PADDOCK**  
**8315 PARK ROAD**  
**BATAVIA, NEW YORK 14040**



**PLANNING BOARD SUBMISSION**  
**MARCH 30, 2017**

## BATAVIA DOWNS NEW PADDOCK

### PROJECT DESCRIPTION

Batavia Downs, 8315 Park Road, Batavia, New York, a facility of the Western Region Off-Track Betting Corporation (WROTB) is proposing to construct a new racing paddock for harness racing operations. The new paddock replaces the old paddock that was demolished when WROTB transferred land to have a hotel built next to the harness racing and gaming facility in 2016. As such, the racing paddock operations are critically reduced and temporarily placed in stable buildings. The New York State Horse Racing Commission has determined the requirement and directed Batavia Downs to provide a new racing paddock to relieve the congestion and reduced serviceability of the temporary paddock facilities.

The racing paddock is a location where horses and drivers are prepared for each race and returned to after each race for wash down and critical testing. Winning horses are tested for illegal drugs and other physical enhancements via blood draws and urine samples. These tests are prescribed and required by the New York State Racing Commission.

The new paddock relocates the horse prep operation and drivers facilities and officials operations to a single building on the east side of the racing track in an area once occupied by six horse stables demolished in 2011. The new paddock provides a more efficient system of horse race preparation in a more efficient and compact facility.

Recently, the New York Department of Environmental Conservation deemed it necessary and required that all horse washing and cleaning waste water be collected and directed to a sanitary sewer system. This was in lieu of washing horses and horse equipment in the open and letting it run onto the ground percolating into the soil. This was somewhat accomplished in some of the stalls of the stables. The new paddock provides complete collection of horse wash waste water and directs the water to the facility sanitary sewer system that discharges to the Batavia sanitary sewer eliminating the inefficiencies of the current system.

The new paddock comprises a total of 29,456 square feet and is of wood pole barn construction with a concrete floor. Its height is less than forty feet. It is being built in the location of the six stables comprising about 61,000 square feet that were demolished in 2011 thus using less square footage for a historic decrease in land coverage on the site. Batavia Downs has installed a storm water system upgrade at the east side of the racing track and all roof collected rain water will be collected in roof gutters and directed via pipe to the storm water piping system already on site. The building will actually reduce the amount of surface storm water that may be currently percolating into the soil in the area of this new construction.

Water will be provided to the new paddock from an existing water service at the north east of the Batavia Downs facility with the paddock water connection on the facility side of the master backflow prevention device. The Batavia water system remains protected from backflow contamination. The amounts of water used by the new paddock will equal that already being used in other locations, hence no discernable change in water volume use will occur. The facility

will be provided with a fire suppression sprinkler system as a building code required safety precaution. This too is provided with water via the on-site water distribution system. Sanitary sewer from domestic sources as well as collected horse washing is collected throughout the building by normal drains and via trench drains in the floors for horses and macerated via pumps at the building and then connected via underground pipe to the existing sanitary sewer system that was installed at Batavia Downs several years ago, in turn, directing the sewer to the municipal sanitary sewer system.

Storm water in the vicinity of the new paddock has historically fallen onto the ground and been allowed to course to the storm sewer system with some storm water percolating into the ground. The new paddock roof will be drained to roof gutters and then transported via piping to the storm water collection system of inlets and underground piping eventually entering the Batavia storm water system that already exists. Since the storm water system already is functioning in place, the only added load is that amount that was originally percolating into the ground. The added load to the system would be minimal.

Electrical service to the building is provided via an existing service to the Batavia Downs facility. The only change to the system is that owner owned utility poles will need to be moved and service already overhead at the new paddock location will need to be re-routed underground. The amount of electric power required is already being provided to the Batavia Downs property and the new paddock will be operating, electrically, within the service amounts provided by the utility.

Natural gas will be required for heating some portions of the building. A new gas service is anticipated to be installed from the gas piping along Richmond Avenue, north of the Batavia Downs property.

Lighting provided at the exterior of the new paddock is attached to the building and is dark night sky compliant. The dark night sky compliant lighting is to provide security for the building and to not create lighting contamination to the neighboring properties on non-racing event nights.

Noise levels will be ambient during non-race nights and slightly raise, if at all, during race events. Noise from race preparation is contained within the building. Currently, race nights are subject to noise levels above ambient levels due to the racing operations. The new paddock will likely add little if any noise, to the race night noise levels. During non-racing periods, the building will only house race official office operations that do not emit noises outside the building.

As a normal course of building construction, Fraser Engineering and Design and WROTB contact the local fire department to review the building and access to the building. WROTB and Fraser Engineering and Design deem it necessary to have emergency service personnel familiar with the facility in the unlikely event that an emergency situation does occur. In addition, the new paddock will be equipped with smoke and heat detection systems connected to the Batavia Downs security office and in turn local emergency service providers.

In conclusion, this new paddock construction is a requirement stipulated by New York State. Its construction is designed to make race preparation more efficient, reduce water waste and remove washing contaminants from the groundwater. The building actually reduces the amount of area taken by the original stables. Aesthetically, the building is colored to match the existing buildings and basically is a barn structure for horses. While there is some carbon footprint for constructing the new paddock, the net environmental impact is small in comparison to existing and pre-existing conditions at Batavia Downs.

# Short Environmental Assessment Form

## Part 1 - Project Information

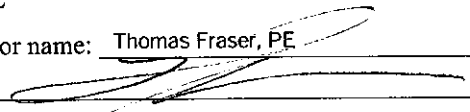
### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
<div style="font-family: cursive; font-size: 1.2em; margin-bottom: 5px;">WROTB Corp</div> Name of Action or Project: New Paddock at Batavia Downs			
Project Location (describe, and attach a location map): 8315 Park Road, Batavia, New York 14020			
Brief Description of Proposed Action: * See attached description			
Name of Applicant or Sponsor: Western Regional Off-Track Betting Corporation		Telephone: 585-582-2533 E-Mail: tom.fraser@fraseries.com	
Address: 8315 Park Road			
City/PO: Batavia		State: New York	Zip Code: 14020
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO  <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			YES  <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?			1.5 acres
b. Total acreage to be physically disturbed?			1.5 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			48 acres
4. Check all land uses that occur on, adjoining and near the proposed action. <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <input checked="" type="checkbox"/> Urban           <input type="checkbox"/> Forest           <input type="checkbox"/> Parkland         </div> <div style="width: 50%;"> <input type="checkbox"/> Rural (non-agriculture)           <input type="checkbox"/> Agriculture         </div> <div style="width: 50%;"> <input type="checkbox"/> Industrial           <input type="checkbox"/> Aquatic         </div> <div style="width: 50%;"> <input checked="" type="checkbox"/> Commercial           <input checked="" type="checkbox"/> Other (specify): VA Facility         </div> <div style="width: 50%;"> <input type="checkbox"/> Residential (suburban)         </div> </div>			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: NYS Building Code Required Energy Conservation Compliance	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____ Connects to existing on-site water system with backflow protection to Batavia water system	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ Connects to on-site waste system that connects to Batavia sewer	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES Roof drainage connects to on-site storm water system	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO   <input checked="" type="checkbox"/>	YES   <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO   <input checked="" type="checkbox"/>	YES   <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO   <input checked="" type="checkbox"/>	YES   <input type="checkbox"/>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>Thomas Fraser, PE</u>      Date: <u>3/30/17</u></p> <p>Signature: <u></u></p>		

Project: Date: 

## *Short Environmental Assessment Form*

### *Part 2 - Impact Assessment*

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>



Project: \_\_\_\_\_

Date: \_\_\_\_\_

## *Short Environmental Assessment Form*

### *Part 3 Determination of Significance*

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

---

 Name of Lead Agency

---

 Date

---

 Print or Type Name of Responsible Officer in Lead Agency

---

 Title of Responsible Officer

---

 Signature of Responsible Officer in Lead Agency

---

 Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

# Paddock Building @ Batavia Downs

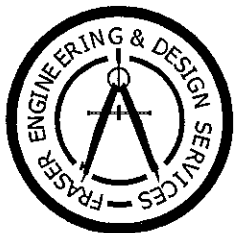
## Western Regional Off-Track Betting Corp. Planning Board Meeting

OWNER:

REVISIONS:

### SUPERSTRUCT

BUILDING ON EXISTING FOUNDATIONS  
WWW.SUPERSTRUCT-NY.COM — 585-844-8268  
3240 HULBERTON RD. HOLLEY, NY 14470



### FRASER

Engineering &  
Design Services  
(AN FIES COMPANY)

7670 CHASE ROAD,  
LIMA, NY 14485  
PHONE: (585) 424-5464  
FAX: (585) 424-3741  
www.fraser-series.com

PROJECT:

Paddock Building  
at Batavia Downs

LOCATION:

Western Regional  
Off-Track Betting Corp.

8315 Park Road  
Batavia, NY 14020

DATE: JANUARY 29, 2017

PROJECT MGR. T. FRASER

DRAWING BY: S. KRUGER

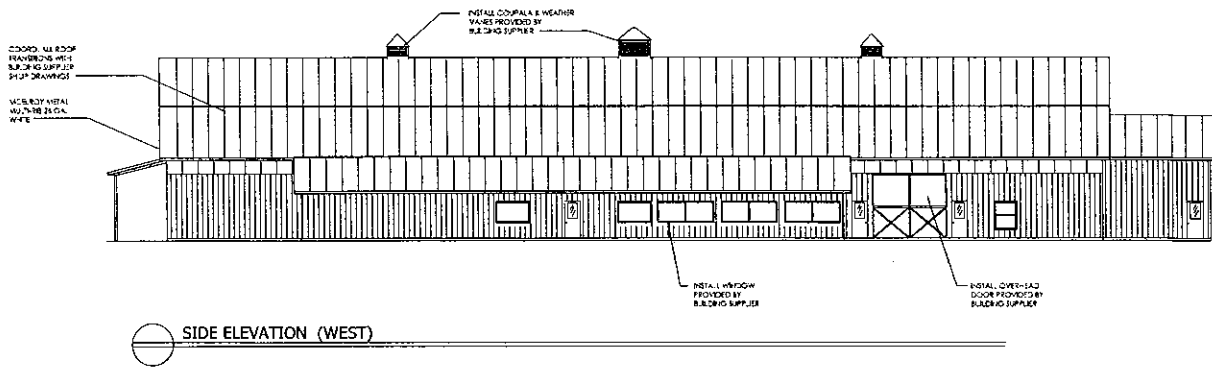
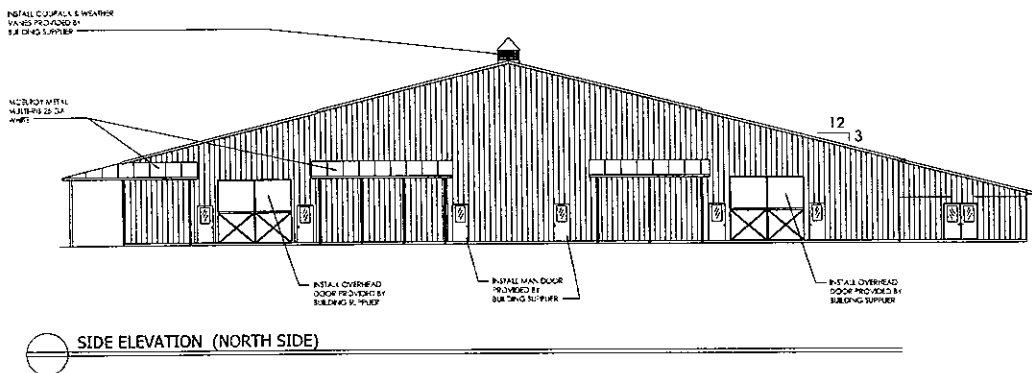
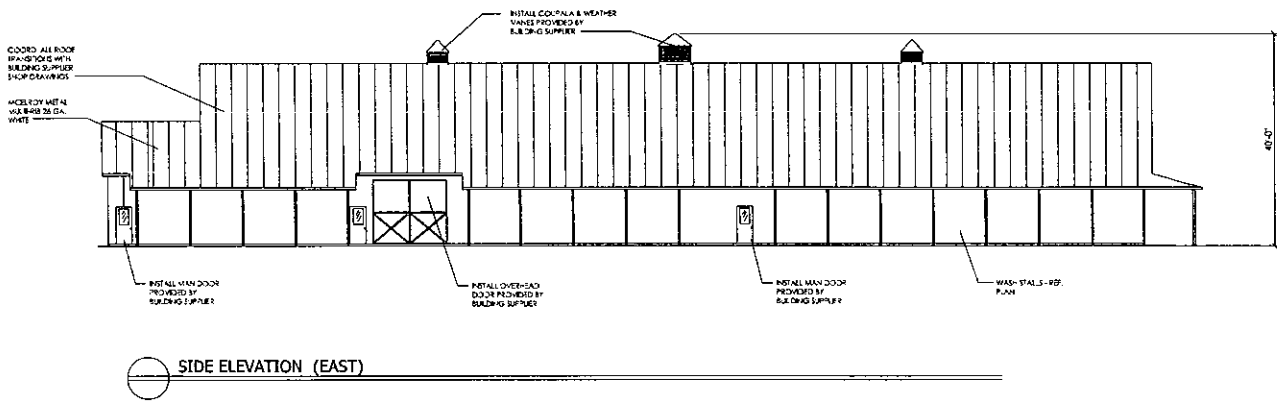
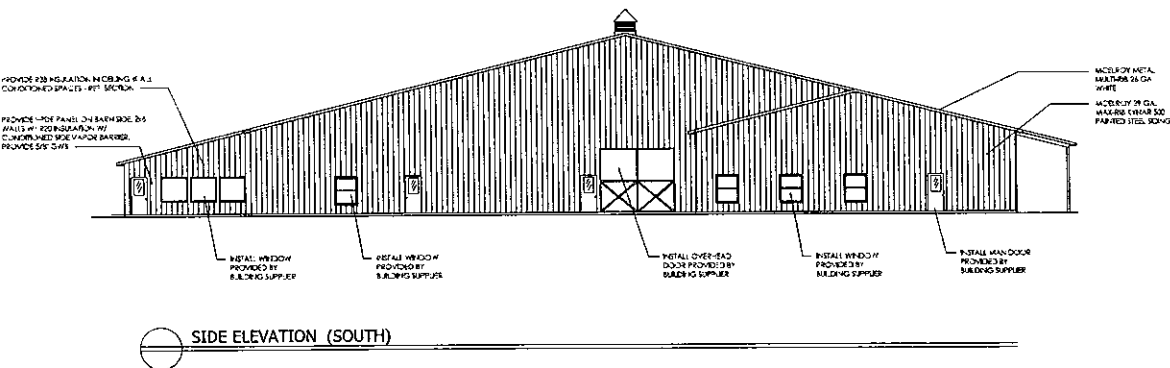
JOB NUMBER: 14-181

DRAWING:

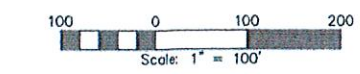
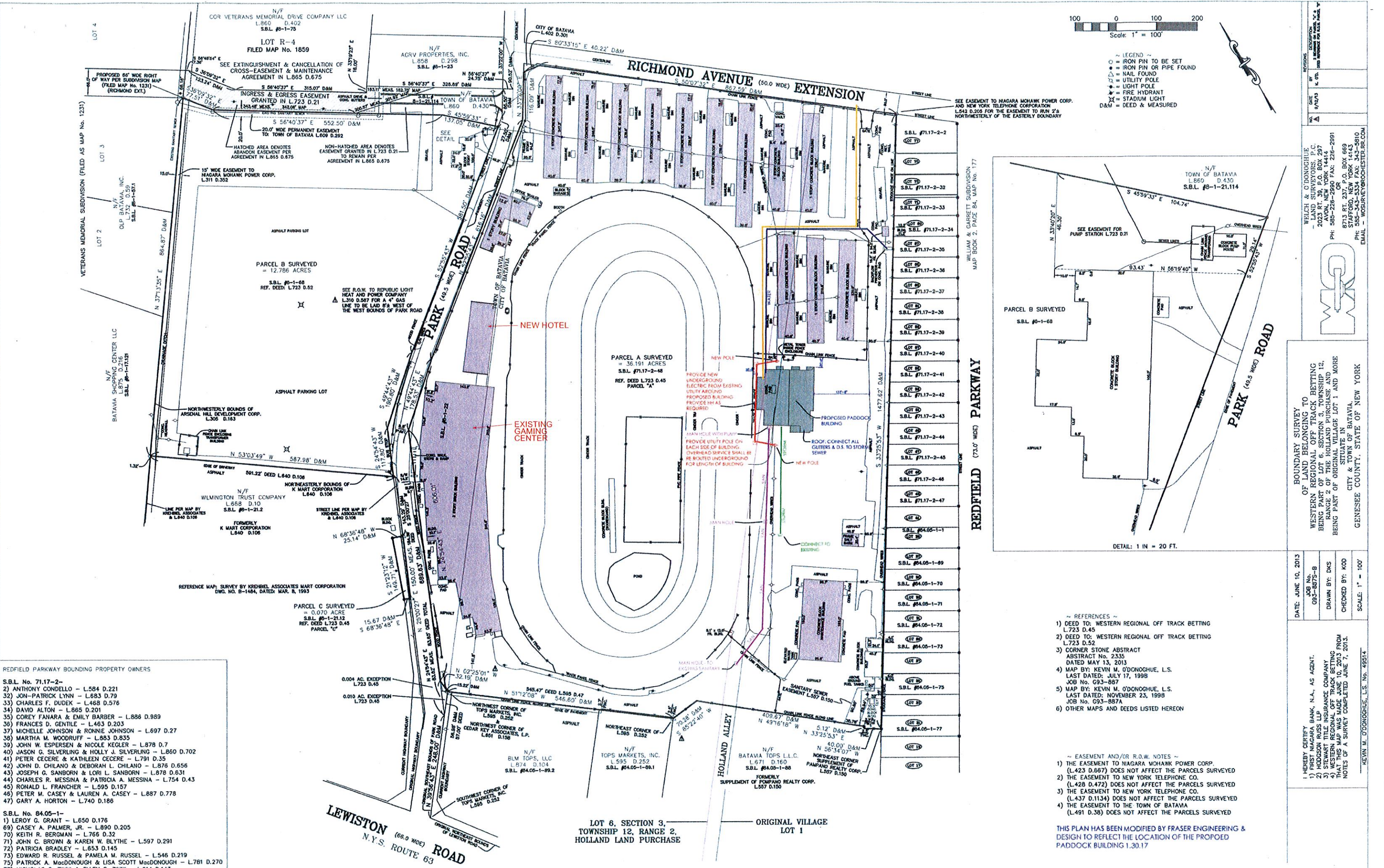
COVER SHEET

SHEET NUMBER:

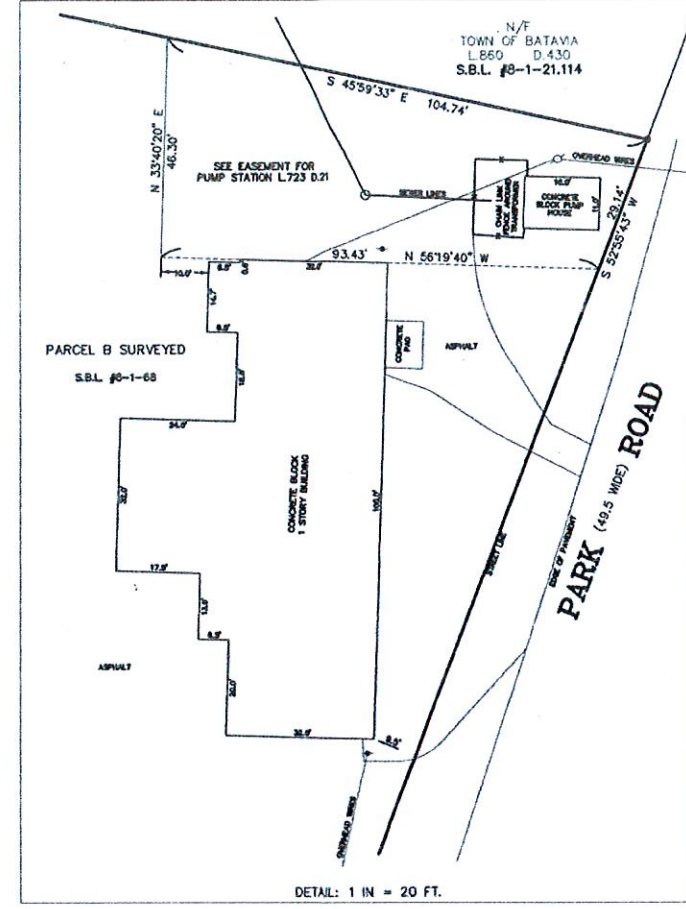
CS







- LEGEND
- IRON PIN TO BE SET
  - IRON PIN OR PIPE FOUND
  - UTILITY POLE
  - LIGHT POLE
  - FIRE HYDRANT
  - STADIUM LIGHT
  - D&M = DEED & MEASURED



- REFERENCES
- DEED TO: WESTERN REGIONAL OFF TRACK BETTING L.723 D.45
  - DEED TO: WESTERN REGIONAL OFF TRACK BETTING L.723 D.52
  - CORNER STONE ABSTRACT ABSTRACT No. 2335 DATED MAY 13, 2013
  - MAP BY: KEVIN M. O'DONOGHUE, L.S. LAST DATED: JULY 17, 1998 JOB No. G93-887A
  - MAP BY: KEVIN M. O'DONOGHUE, L.S. LAST DATED: NOVEMBER 23, 1998 JOB No. G93-887A
  - OTHER MAPS AND DEEDS LISTED HEREON

- EASEMENT AND/OR R.O.W. NOTES
- THE EASEMENT TO NIAGARA MOHAWK POWER CORP. (L.423 D.687) DOES NOT AFFECT THE PARCELS SURVEYED
  - THE EASEMENT TO NEW YORK TELEPHONE CO. (L.428 D.472) DOES NOT AFFECT THE PARCELS SURVEYED
  - THE EASEMENT TO NEW YORK TELEPHONE CO. (L.437 D.1134) DOES NOT AFFECT THE PARCELS SURVEYED
  - THE EASEMENT TO THE TOWN OF BATAVIA (L.491 D.38) DOES NOT AFFECT THE PARCELS SURVEYED

THIS PLAN HAS BEEN MODIFIED BY FRASER ENGINEERING & DESIGN TO REFLECT THE LOCATION OF THE PROPOSED PADDOCK BUILDING 1.30.17

# SITE LOCATION MAP

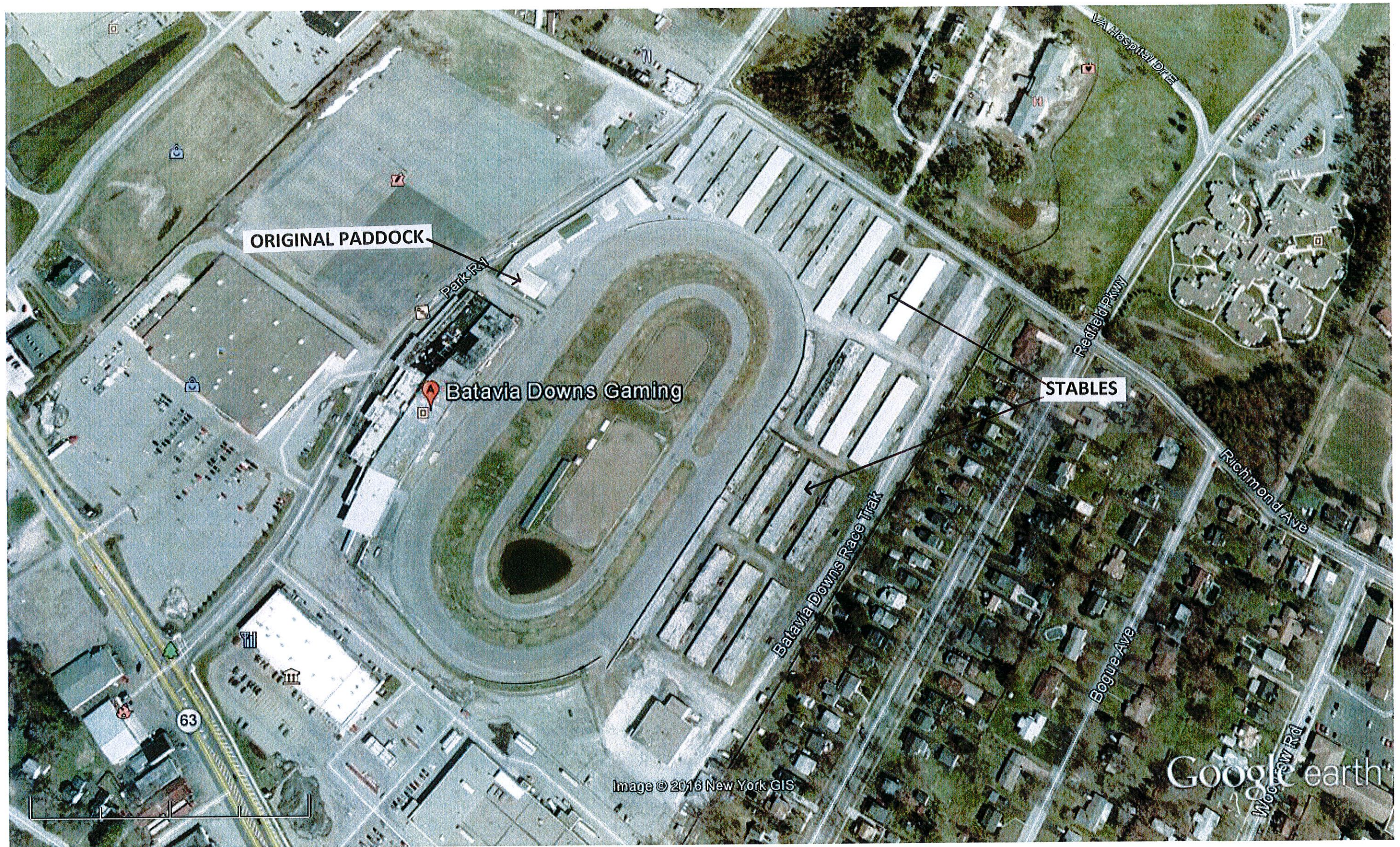
WELCH & O'DONOGHUE  
 LAND SURVEYORS, P.C.  
 2023 RT. 39, P.O. BOX 297  
 AVON, NEW YORK 14414  
 PH: 585-226-2800 FAX: 585-226-2891  
 8713 RT. 237, P.O. BOX 669  
 STAFFORD, NEW YORK 14143  
 PH: 585-343-5334 FAX: 585-343-5810  
 EMAIL: WOSURVEY@CROCHESSTER.RR.COM

BOUNDARY SURVEY  
 OF LAND BELONGING TO  
 WESTERN REGIONAL OFF TRACK BETTING  
 BEING PART OF LOT 6, SECTION 3, TOWNSHIP 12,  
 RANGE 2 OF THE HOLLAND PURCHASE AND  
 BEING PART OF ORIGINAL VILLAGE LOT 1 AND MORE  
 SITUATE IN  
 CITY & TOWN OF BATAVIA,  
 GENESEE COUNTY, STATE OF NEW YORK

DATE: JUNE 10, 2013  
 JOB No. G93-887A-B  
 DRAWN BY: DKS  
 CHECKED BY: KOD  
 SCALE: 1" = 100'

I HEREBY CERTIFY  
 1) FIRST NIAGARA BANK, N.A., AS AGENT.  
 2) HODSON RUSS LLP  
 3) STEWART TITLE INSURANCE COMPANY  
 4) WESTERN REGIONAL OFF TRACK BETTING  
 5) NIAGARA MOHAWK POWER CORP.  
 6) NIAGARA TELEPHONE CO.  
 7) NIAGARA POWER CORP.  
 8) NIAGARA POWER CORP.  
 9) NIAGARA POWER CORP.  
 10) NIAGARA POWER CORP.  
 11) NIAGARA POWER CORP.  
 12) NIAGARA POWER CORP.  
 13) NIAGARA POWER CORP.  
 14) NIAGARA POWER CORP.  
 15) NIAGARA POWER CORP.  
 16) NIAGARA POWER CORP.  
 17) NIAGARA POWER CORP.  
 18) NIAGARA POWER CORP.  
 19) NIAGARA POWER CORP.  
 20) NIAGARA POWER CORP.  
 21) NIAGARA POWER CORP.  
 22) NIAGARA POWER CORP.  
 23) NIAGARA POWER CORP.  
 24) NIAGARA POWER CORP.  
 25) NIAGARA POWER CORP.  
 26) NIAGARA POWER CORP.  
 27) NIAGARA POWER CORP.  
 28) NIAGARA POWER CORP.  
 29) NIAGARA POWER CORP.  
 30) NIAGARA POWER CORP.  
 31) NIAGARA POWER CORP.  
 32) NIAGARA POWER CORP.  
 33) NIAGARA POWER CORP.  
 34) NIAGARA POWER CORP.  
 35) NIAGARA POWER CORP.  
 36) NIAGARA POWER CORP.  
 37) NIAGARA POWER CORP.  
 38) NIAGARA POWER CORP.  
 39) NIAGARA POWER CORP.  
 40) NIAGARA POWER CORP.  
 41) NIAGARA POWER CORP.  
 42) NIAGARA POWER CORP.  
 43) NIAGARA POWER CORP.  
 44) NIAGARA POWER CORP.  
 45) NIAGARA POWER CORP.  
 46) NIAGARA POWER CORP.  
 47) NIAGARA POWER CORP.  
 48) NIAGARA POWER CORP.  
 49) NIAGARA POWER CORP.  
 50) NIAGARA POWER CORP.  
 51) NIAGARA POWER CORP.  
 52) NIAGARA POWER CORP.  
 53) NIAGARA POWER CORP.  
 54) NIAGARA POWER CORP.  
 55) NIAGARA POWER CORP.  
 56) NIAGARA POWER CORP.  
 57) NIAGARA POWER CORP.  
 58) NIAGARA POWER CORP.  
 59) NIAGARA POWER CORP.  
 60) NIAGARA POWER CORP.  
 61) NIAGARA POWER CORP.  
 62) NIAGARA POWER CORP.  
 63) NIAGARA POWER CORP.  
 64) NIAGARA POWER CORP.  
 65) NIAGARA POWER CORP.  
 66) NIAGARA POWER CORP.  
 67) NIAGARA POWER CORP.  
 68) NIAGARA POWER CORP.  
 69) NIAGARA POWER CORP.  
 70) NIAGARA POWER CORP.  
 71) NIAGARA POWER CORP.  
 72) NIAGARA POWER CORP.  
 73) NIAGARA POWER CORP.  
 74) NIAGARA POWER CORP.  
 75) NIAGARA POWER CORP.  
 76) NIAGARA POWER CORP.  
 77) NIAGARA POWER CORP.  
 78) NIAGARA POWER CORP.  
 79) NIAGARA POWER CORP.  
 80) NIAGARA POWER CORP.  
 81) NIAGARA POWER CORP.  
 82) NIAGARA POWER CORP.  
 83) NIAGARA POWER CORP.  
 84) NIAGARA POWER CORP.  
 85) NIAGARA POWER CORP.  
 86) NIAGARA POWER CORP.  
 87) NIAGARA POWER CORP.  
 88) NIAGARA POWER CORP.  
 89) NIAGARA POWER CORP.  
 90) NIAGARA POWER CORP.  
 91) NIAGARA POWER CORP.  
 92) NIAGARA POWER CORP.  
 93) NIAGARA POWER CORP.  
 94) NIAGARA POWER CORP.  
 95) NIAGARA POWER CORP.  
 96) NIAGARA POWER CORP.  
 97) NIAGARA POWER CORP.  
 98) NIAGARA POWER CORP.  
 99) NIAGARA POWER CORP.  
 100) NIAGARA POWER CORP.





Google earth

feet  
meters

2000  
600

PRE-EXISTING CONDITIONS WITH STABLES







Google earth

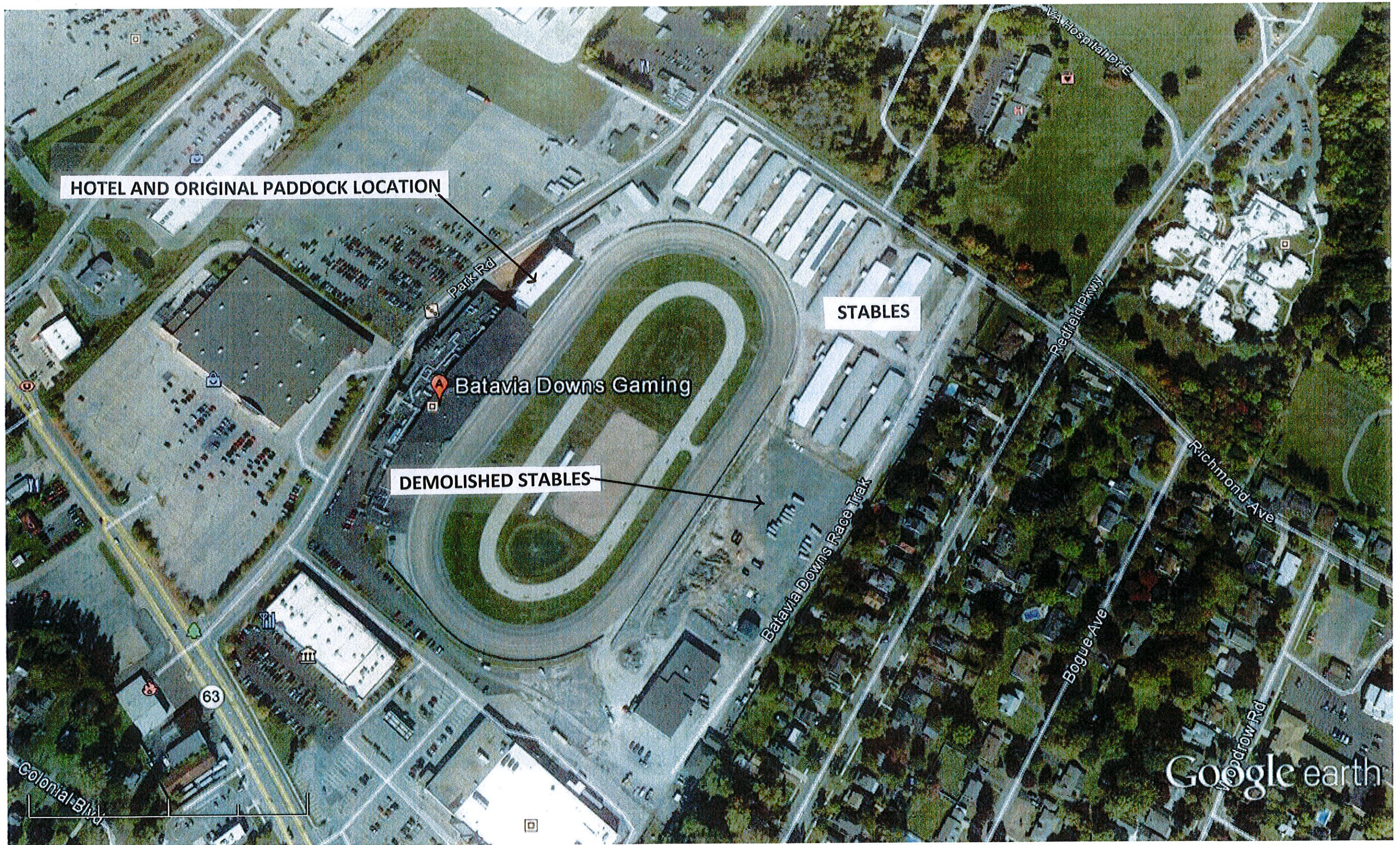
feet  
meters



PRE-EXISTING CONDITIONS WITH DEMOLISHED STABLES







Google earth

feet  
meters

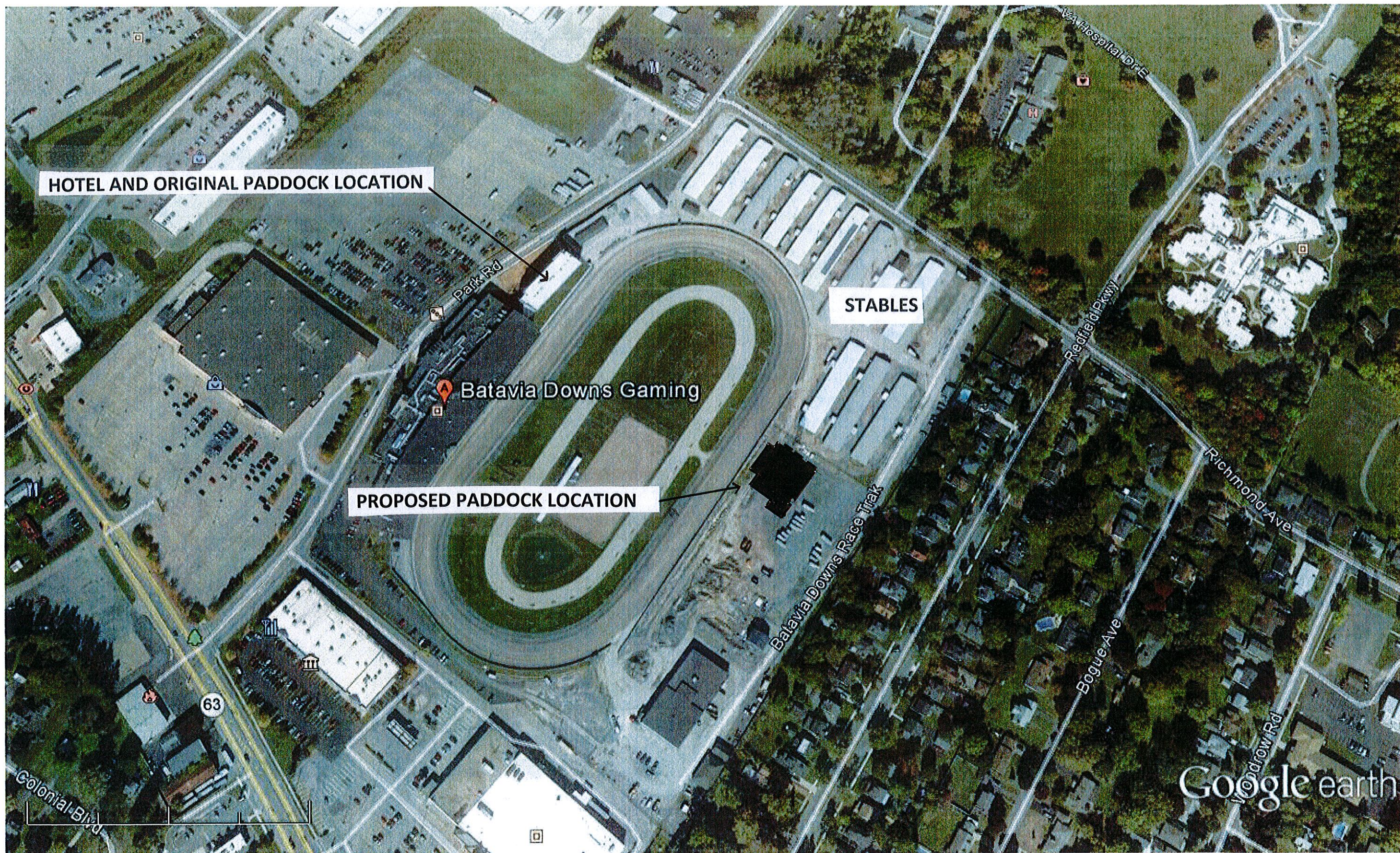


CURRENT CONDITIONS



NORTH





Google earth

feet  
meters



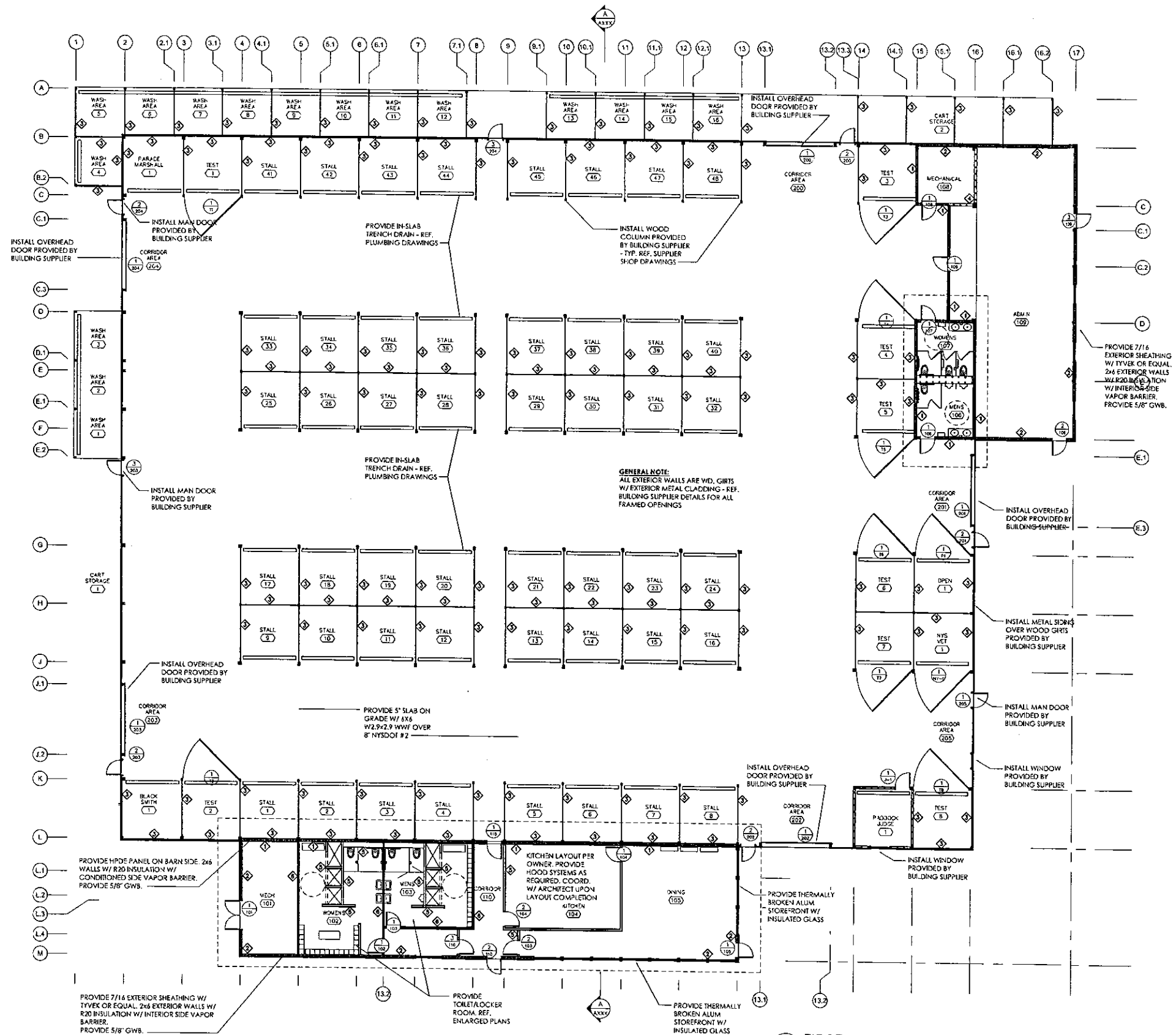
PROPOSED CONDITIONS



NORTH

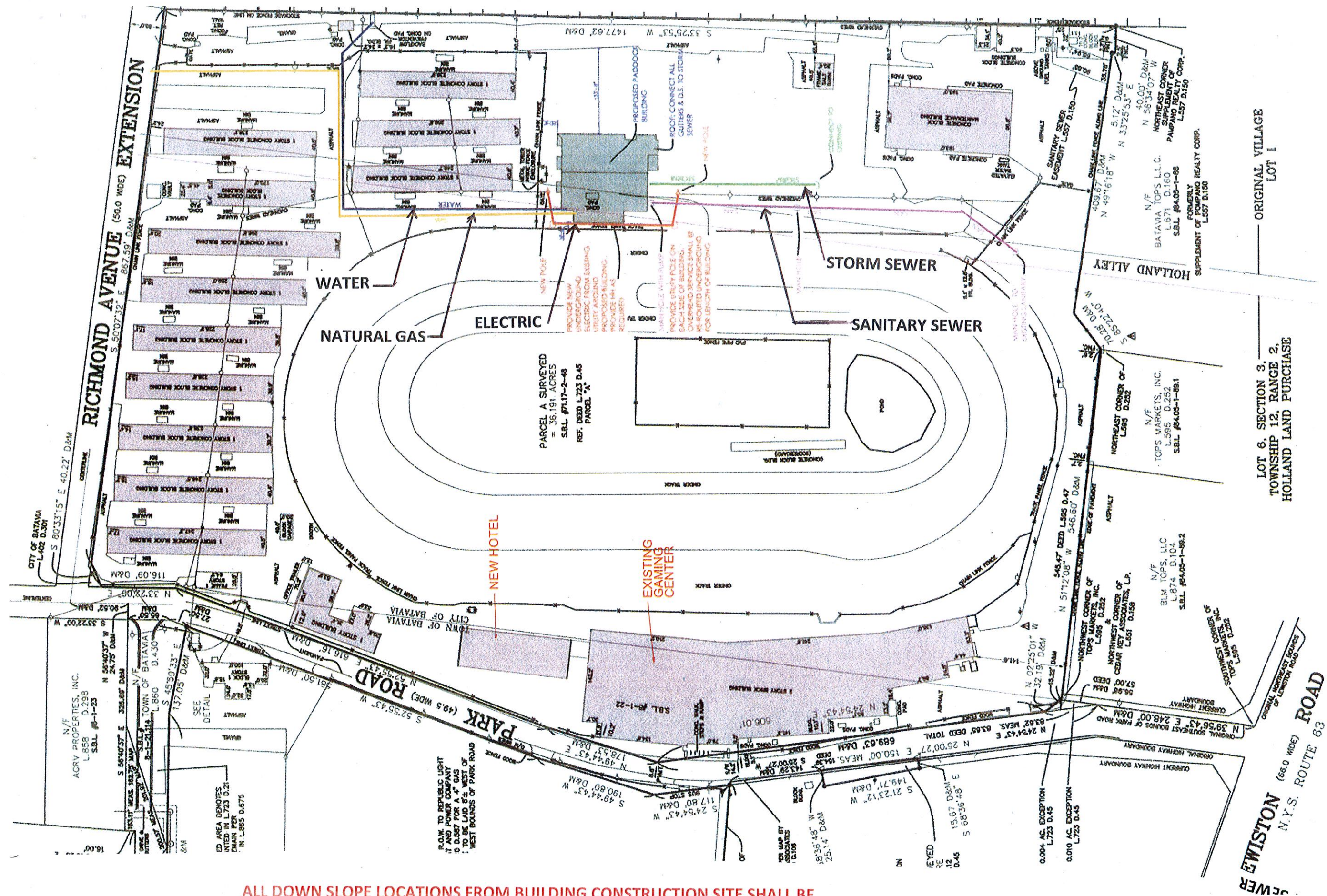


1. REFER TO BARN PROVIDER SHOP DRAWINGS FOR ALL POST SIZING AND ORIENTATION
2. REFER TO BARN PROVIDE SHOP DRAWINGS FOR SECTIONAL INFORMATION INCLUDING CONNECTION DETAILS.
3. ALL CONDITIONED SPACES SHALL MEET THE REQUIREMENTS OF THE IEC 2015 - REF. TO SCHEDULE & WALL TYPES FOR ADDITIONAL INFORMATION
4. CONTRACTOR IS TO BE RESPONSIBLE FOR MATERIALS AND WORKMANSHIP.
5. CONTRACTOR TO BE RESPONSIBLE FOR COMPLIANCE WITH ALL BUILDING, ELECTRICAL, MECHANICAL, SANITARY CODES PER IBC 2015 & LOCAL REQUIREMENTS.
6. CONTRACTOR TO VERIFY ALL NOTES AND DIMENSIONS CONCERNING ALL WOOD FRAMING AND ANY RELATED WORK TO BE PERFORMED IN THIS CONTRACT, PRIOR TO STARTING THE WORK.
7. CONTRACTOR TO VERIFY OVERLAP OF CRITICAL DIMENSIONS WITH THE MASON CONTRACTOR.
8. CONTRACTOR TO VERIFY ALL ROUGH OPENINGS FOR FINISHED ITEMS TO BE INSTALLED IN WOOD FRAMED WALLS, FLOORS, CEILINGS AND ROOFS WITH MANUFACTURERS DATA. TO BE FURNISHED BY THE GENERAL CONTRACTOR, MATERIALS SUPPLIER AND/ OR OWNER.
9. USE PRESSURE TREATED LUMBER WHEREVER IN DIRECT CONTACT WITH CONCRETE, OR WITHIN 6" OF GRADE.
10. USE 1/2" OSB OR EQUAL FOR EXTERIOR SHEATHING. OSB SHEATHING IS TO BE COVERED IN TYVEK PAPER OR ALTERNATE APPROVED TYPE OF BUILDING WRAP.
11. PROVIDE SUITABLE CHASE IN WALL AND FLOOR SYSTEMS TO ACCOMMODATE PLUMBING AND HEATING INSTALLATIONS. VERIFY ANY SPECIAL REQUIREMENTS WITH GENERAL CONTRACTOR.
12. COORD. ALL FINISHES WITH THE OWNER INCLUDING, BUT NOT LIMITED TO"
  - 12.1. PAINT
  - 12.2. FLOORING
  - 12.3. CASING & TRIM
  - 12.4. MILLWORK
  - 12.5. DOORS
  - 12.6. WINDOWS
  - 12.7. TOILET FIXTURES & ACCESSORIES
  - 12.8. LIGHTING FIXTURES



A101





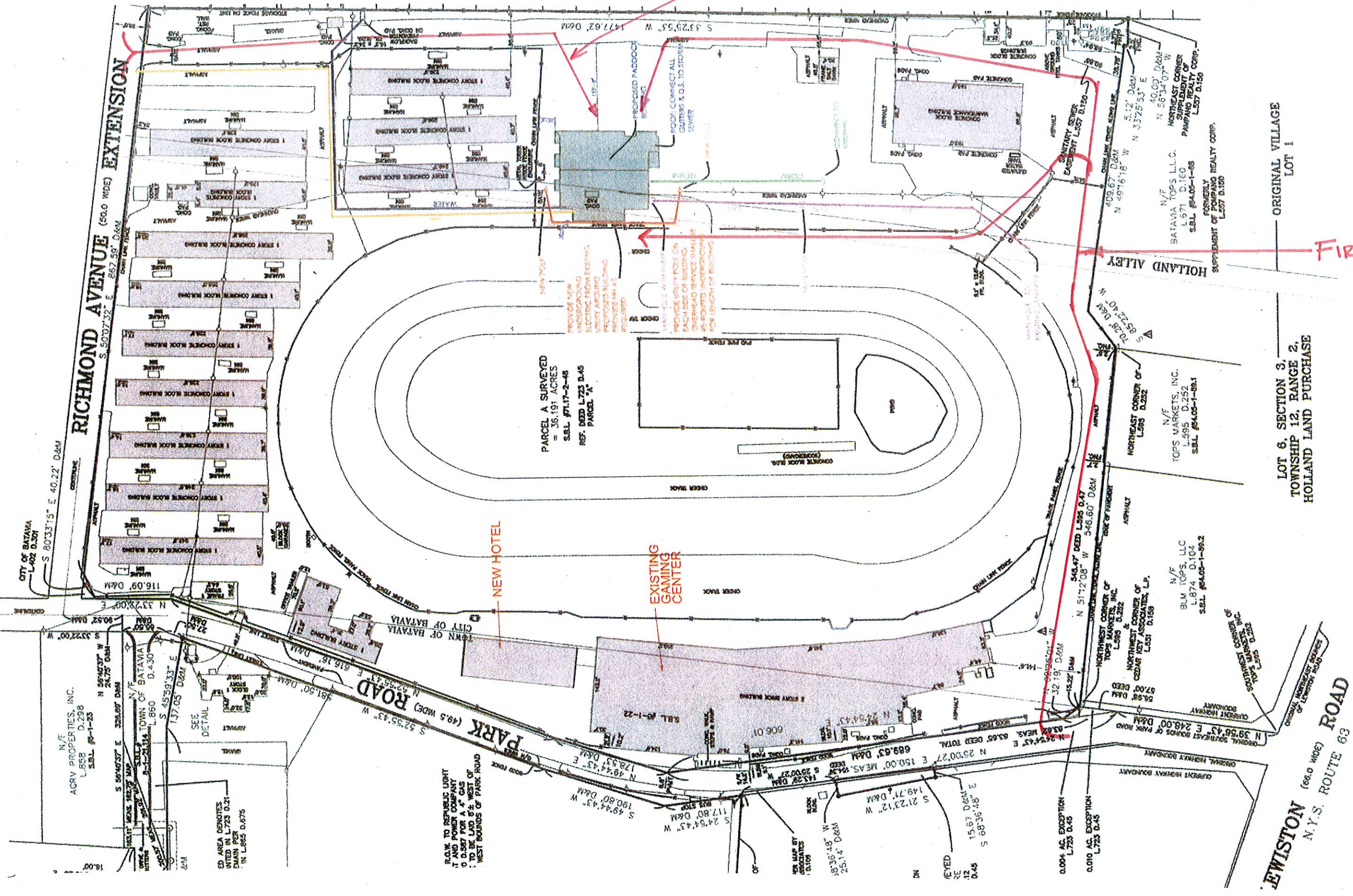
ALL DOWN SLOPE LOCATIONS FROM BUILDING CONSTRUCTION SITE SHALL BE PROTECTED WITH SEDIMENT BARRIER AS WELL AS ALL STORM SEWER DROP-INLETS.



FIRE ACCESS ROUTE

FIRE ACCESS ROUTES

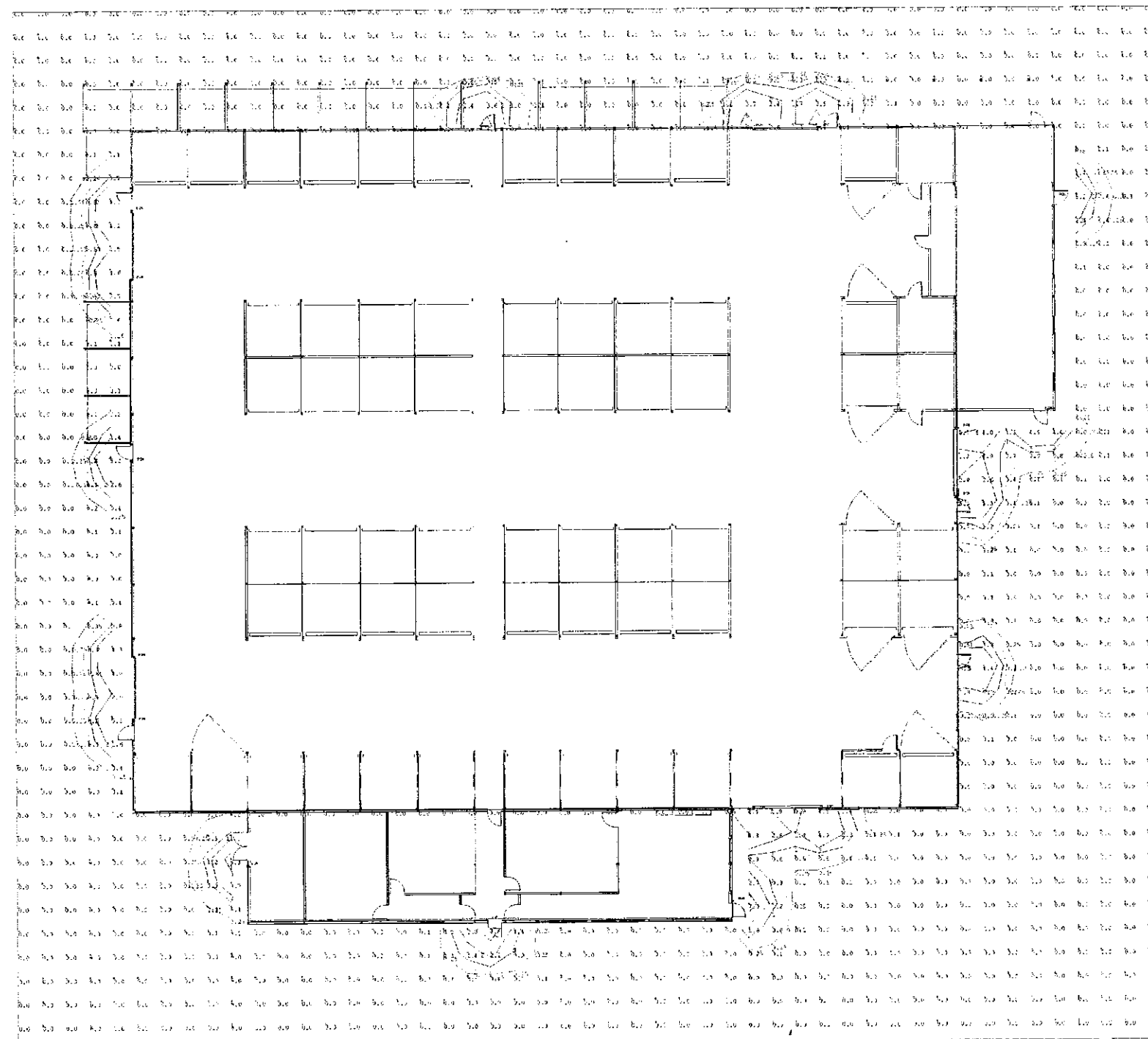
FIRE DEPARTMENT ACCESS



LOT 6, SECTION 3,  
TOWNSHIP 12, RANGE 2,  
HOLLAND LAND PURCHASE

LEWISTON  
N.Y.S. ROUTE 63  
(66.0 WIDE)





LIGHTING LEVELS IN FOOT CANDLES

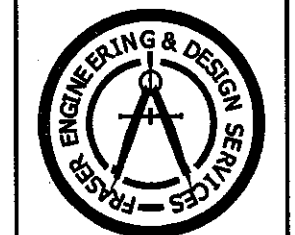
1 PHOTOMETRIC PLAN  
E100 NOT TO SCALE

OWNER:

REVISIONS:

**SUPERSTRUCT**

BUILDING ON EXISTING FOUNDATIONS  
WWW.SUPERSTRUCT-NY.COM — 888-644-8888  
3040 HULBERTON RD. HOLLEY, NY 14069



**FRASER**

Engineering &  
Design Services  
(AN FIES COMPANY)

7670 CHASE ROAD,  
LIMA, NY 14088  
PHONE: (585) 424-5444  
FAX: (585) 424-5741  
www.fraseres.com

PROJECT:

PADDOCK BUILDING  
at BATAVIA DOWNS

LOCATION:

WESTERN REGIONAL  
OFF-TRACK BETTING CORP.

8315 PARK ROAD  
BATAVIA, NY 14020

DATE: JANUARY 29, 2017

PROJECT MGR: T.FRASER

DRAWING BY: S.KRUGER

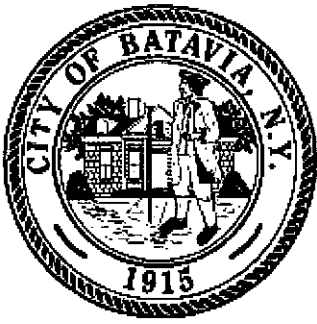
JOB NUMBER: 14-181

DRAWING:

EXTERIOR LIGHTING  
PHOTMETRIC

SHEET NUMBER:

E100



*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

From: Doug Randall, Code Enforcement Officer

Date: 3/27/17

Re: 151 Oak St.  
Tax Parcel No. 71.018-1-18

Zoning Use District: R-1

The applicant, Frederick Mruczek (builder), has filed a site plan for approval of a two story two family dwelling on this unimproved parcel. On 12/15/16 the Zoning Board of Appeals granted a requested use variance to permit the construction of a two family dwelling in this R-1 (Residential) use 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) (9).

**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 a state road or highway.

**City Planning and Development Committee-** Pursuant to section 190-44 C(d) of the zoning ordinance, the Planning and Development Committee shall perform site plan review for use variance applications that increase the lot coverage by more than 3% or 1,300 sq..

**SEND OR DELIVER TO:**

GENESEE COUNTY DEPARTMENT OF PLANNING

3837 West Main Street Road

Batavia, NY 14020-9404

Phone: (585) 344-2580 Ext. 5467

**DEPARTMENT USE ONLY:**

GCDP Referral # \_\_\_\_\_



**\* GENESEE COUNTY \***  
**PLANNING BOARD REFERRAL**

Required According to:

**GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N**

(Please answer ALL questions as fully as possible)

**1. REFERRING BOARD(S) INFORMATION**Board(s) Planning and Development CommitteeAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345 - 6347

Ext. \_\_\_\_\_

**2. APPLICANT INFORMATION**Name Fredrick MruczekAddress 1 Valle Dr.City, State, Zip Batavia, NY 14020Phone (585) 705 - 0618

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 151 Oak St.B. Nearest intersecting road Union St.C. Tax Map Parcel Number 71.018-1-18D. Total area of the property .33 acres

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 190-44 C(d)C. Please describe the nature of this request Approval of site plan to construct a two family dwelling on this parcel.**6. ENCLOSURES** – Please enclose copy(s) of all appropriate items in regard to this referral☒ Local application☒ Site plan☐ Subdivision plot plans☐ SEQR forms☐ Zoning text/map amendments☒ Location map or tax maps☐ Elevation drawings☐ Agricultural data statement☐ New or updated comprehensive plan☒ Photos☒ Other: Cover letter

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17.

Email to [planning@co.genesee.ny.us](mailto:planning@co.genesee.ny.us)**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





**GENESEE COUNTY PLANNING BOARD  
ZONING REFERRALS NOTICE OF FINAL  
ACTION**

GCDP Referral ID **C-10-BAT-4-17**  
Review Date **4/13/2017**

Municipality **BATAVIA, C.**  
Board Name **CITY PLANNING AND DEVELOPMENT COMM.**  
Applicant's Name **Fredrick Mruczek**  
Referral Type **Site Plan Review**  
Variance(s)  
Description: **Site Plan Review to construct a two-family dwelling on a vacant parcel.**  
Location **151 Oak St. (NYS Rt. 98), Batavia**  
Zoning District **Residential (R-1) District**

**PLANNING BOARD DECISION**

**APPROVAL**

**EXPLANATION:**

The proposed two-family home should pose no significant county-wide or inter-community impact. Given the many trees to be removed from the property, it is recommended that the applicant plant additional trees on the property after construction.

Director

April 13, 2017

Date

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



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



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

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

Date : \_\_\_\_\_

Reference : G.C.D.P. Referral Number : C-10-BAT-4-17

Applicant : Fredrick Mruczek

☐ AGREEMENT with County Planning Board recommendations.

☐ OVERRULED County Planning Board recommendations.

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

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

\_\_\_\_\_  
\_\_\_\_\_

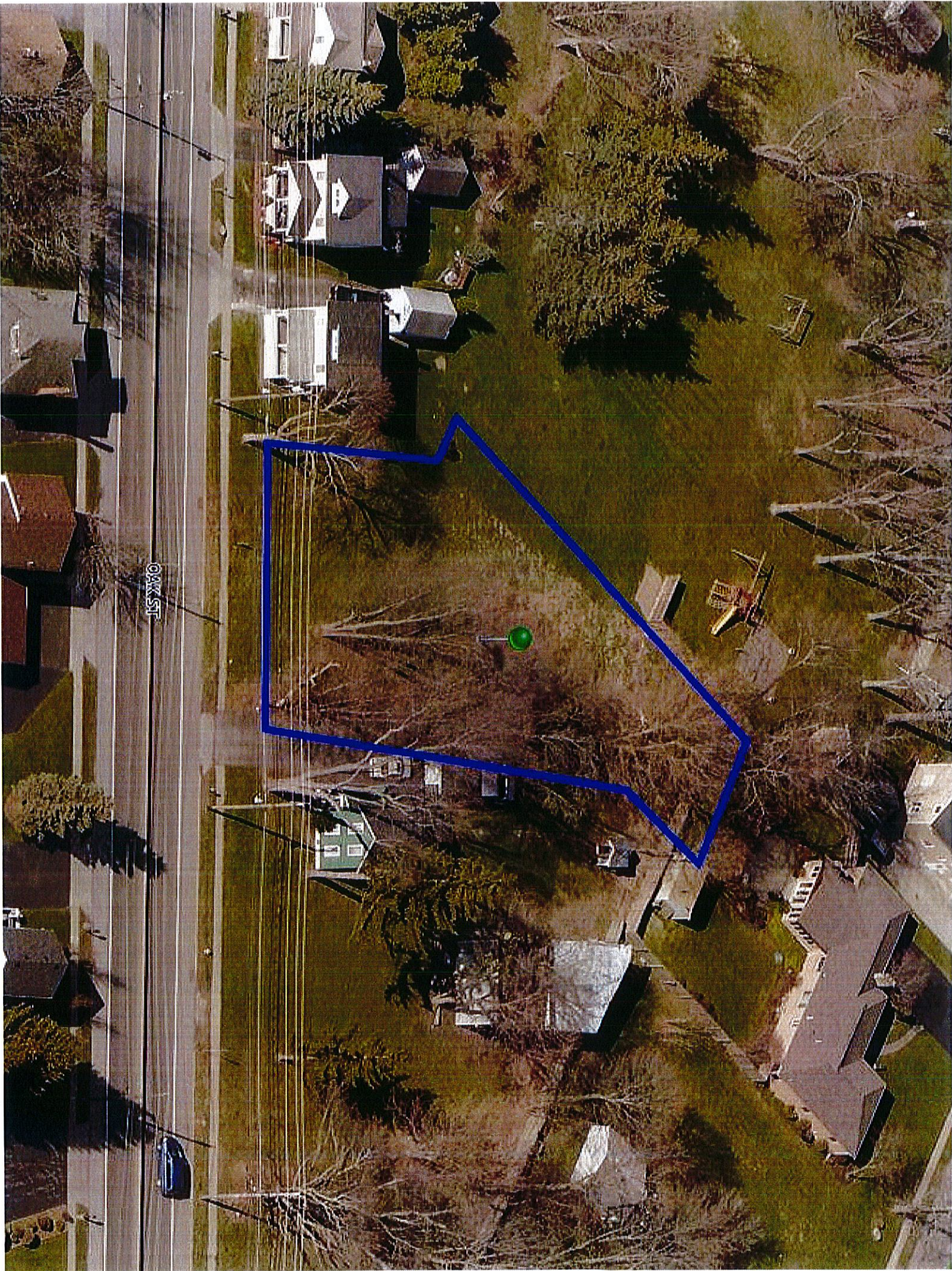
\_\_\_\_\_  
Signature of the Referring Official

\_\_\_\_\_  
Representing Board

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

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









## TURNER TREESCAPE

29 Burke Drive  
Batavia, New York 14020  
(585) 344-2320

February 21, 2017

RE: Assessment of trees on lot at 151 Oak Street, Batavia, NY

All trees on this lot have grown up wild, except for 1 (one) Maple at the front of the lot. National Grid has basically cut this tree in half, so no branches go toward Oak Street.

The neighbor on the south side of the lot wants the part hanging over his house removed or the tree removed.

The neighbor on the north side has 16 (sixteen) trees growing along his driveway and the roots are becoming a problem. He would like all of the trees along his driveway removed along with the trees on the side of the garage, before they become too close to the garage.

Behind the garage are 2 (two) large trees, that are broke down and need to be removed.

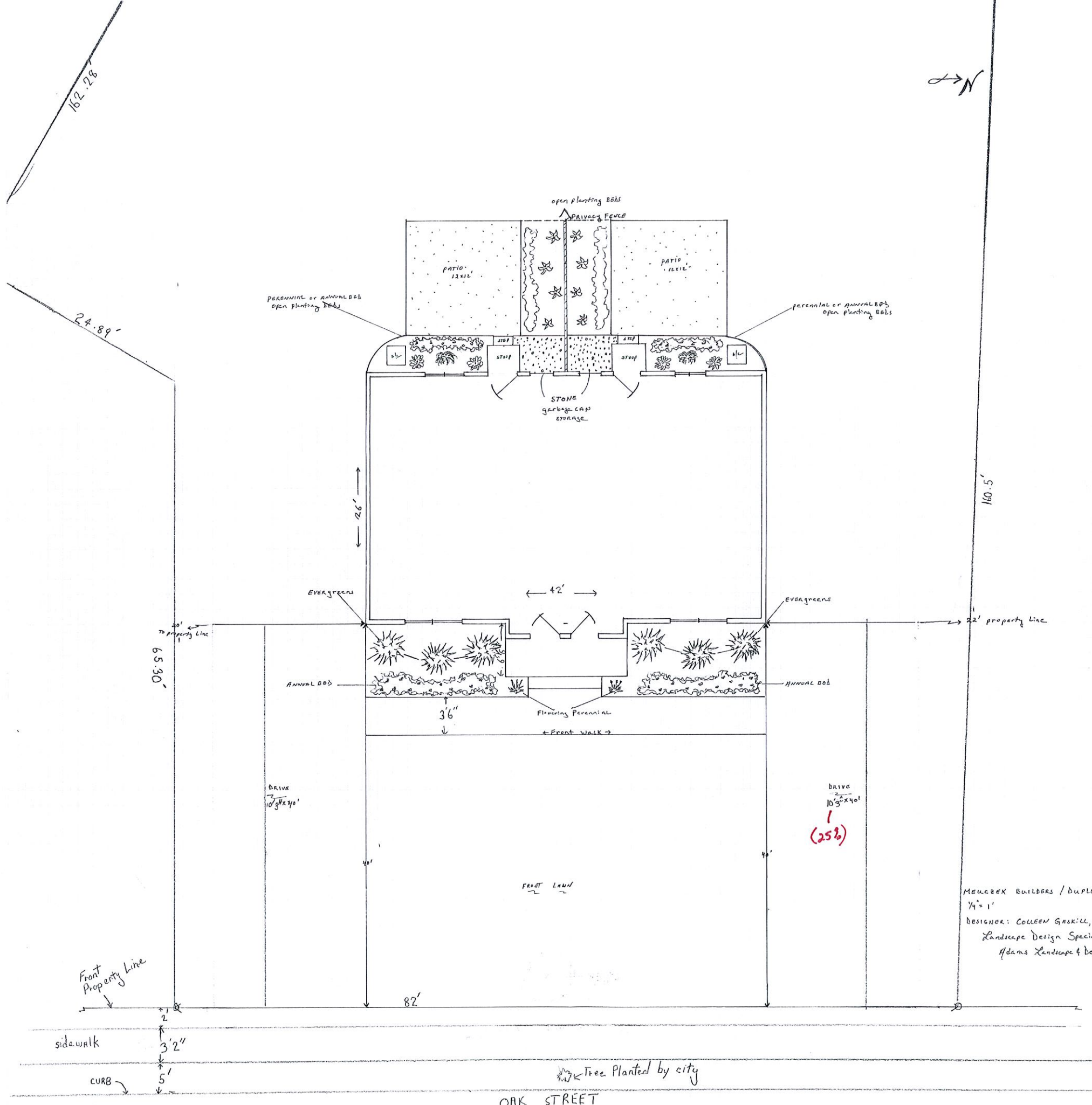
There are also 2 (two) maples on the lot that will need to be removed before construction of the house can begin.

Removing these trees will definitely enhance the lot on one of Batavia's busiest street.

Sincerely,

A handwritten signature in black ink that reads "Randy S. Turner". The signature is written in a cursive, flowing style.

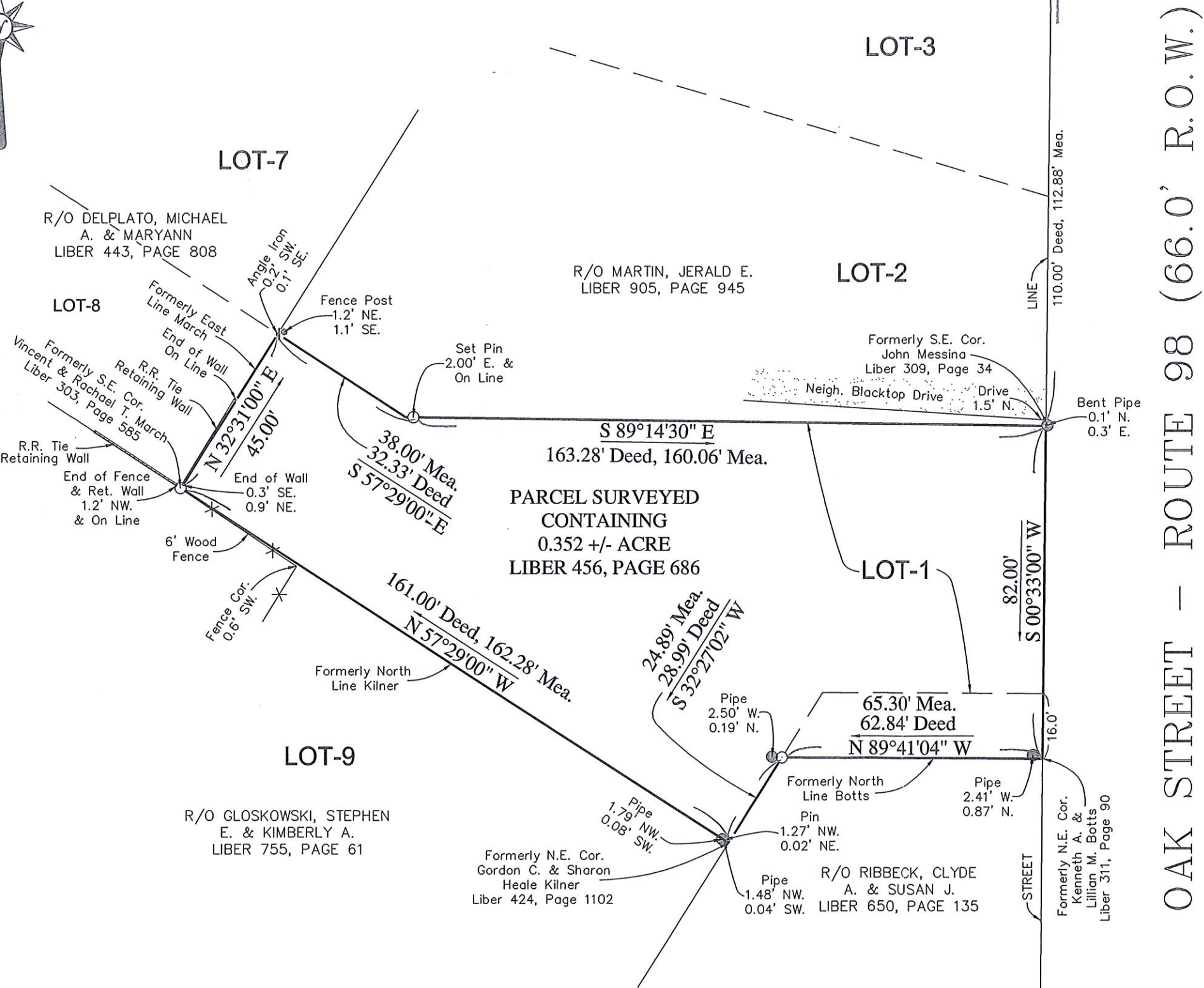
Randy S. Turner  
Turner Treescape



MENCKEN BUILDERS / DUPLEX  
1/4" = 1'  
DESIGNER: COLLEEN GASKILL, CMLP  
Landscape Design Specialist  
Adams Landscape & Design

DRIVE  
10'3" x 40'  
(25%)

OAK STREET  
Tree Planted by city



LEGEND  
 ● EXISTING IRON STAKE  
 ○ SET IRON PIN

REFERENCES  
EDSON R. PHILLIPS SUBDIVISION FILED AT BOOK  
5 OF MAPS, PAGE 252, MAP NO. 482  
SHELNUT LAND SEPARATION FILED AT MAP  
CABINET NO. 3, SLIDE NO. 9, MAP NO. 1673  
SURVEY MAP NO. 14-11 BY GREGORY W.  
TOWNSEND, L.S., DATED JANUARY 20, 2014

"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 SURESUQUENT OWNERS."

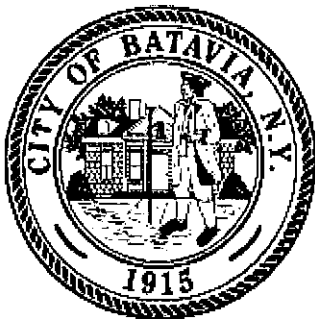
BOUNDARY SURVEY SHOWING THE PROPERTY  
OF ADOLPH A. & STEPHENIE MRUCZEK BEING  
PART OF VILLAGE LOTS NO. 6 & 7 AND FURTHER  
DISTINGUISHED AS ALL OF SUBDIVISION LOT 1  
OF THE EDSON P. PHILLIPS SUBDIVISION AND  
OTHER LANDS SITUATE IN VILLAGE LOT NO. 7.  
SITUATE IN THE CITY OF BATAVIA, COUNTY OF  
GENESEE AND STATE OF NEW YORK.

JANUARY 25, 2017 SCALE 1" = 30'  
JOB NO. 17-23

01/27/17 *Reginald Townsend*

DATE 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: Planning and Development Committee

From: Doug Randall, Code Enforcement Officer

Date: 4/20/17

Re: 552, 554 and 556 East Main St.  
Tax Parcel No. 84.060-1-19, 84.060-1-20 and 84.060-1-21

Zoning Use District: C-2 and R-3

The applicant, Eric Schaaf (Marathon Engineering), has submitted a plan for “sketch plan review” of the clearing of three parcels and erection of a high rise apartment building.

**City Planning and Development Committee-** Pursuant to section 190-44 B(1) of the zoning ordinance, the Planning and Development Committee shall review site plans. 190-44 D (1) Sketch plan review is an optional review that provides an opportunity for the applicant to meet with the PDC prior to final site plan submittal.

190-13 C (2) High rise apartment buildings are permitted in the C-2 and R-3 use districts with the issuance of a Special Use Permit.

190-37 C (1-9) and 190-37 K (1-14) Special use permits are subject to the conditions of these sections.



39 Cascade Drive / Rochester, NY 14614 / Phone (585) 458-7770

April 18, 2017

Douglas Randall  
City of Batavia  
One Batavia City Centre  
Batavia NY 14020

Re: Home Leasing Apartment Project  
552,554,556 E Main St  
City of Batavia, County of Genesee, State of New York

Dear Doug,

On behalf of our client, Home Leasing, we are pleased to submit a revised concept sketch of the above referenced project for your consideration. We request that this project be placed on the agenda for the Planning and Development Committee (PDC) meeting of April 25<sup>th</sup> for Sketch Plan Review.

Based upon input received from the PDC at their March 21<sup>st</sup> meeting, we have revised the layout so that no setback variances will be required. 45 parking spaces are proposed, which, based on the applicant's experience with similar projects, will provide adequate parking. A waiver from the PDC will be required to allow 45 spaces versus the required 83 spaces.

In discussions with Town Staff, it was determined a variance will be required to allow this building to have one elevator. We have reviewed the revised plan with the Fire Chief, who expressed no concerns. We are enclosing an AutoTURN analysis demonstrating a 100-foot ladder truck can enter the site, turn-around, and exit.

The following information has not changed, and is repeated for convenience:

The 1.2+/-acre project site is on the south side of East Main St (NYS Route 5) and is comprised of three tax parcels:

Address	Tax ID	Current Zoning
552 E Main St	84.060-1-19	Primarily C-2 with the southern portion R-3
554 E Main St	84.060-1-20	C-2
556 E Main St	84.060-1-21	C-2

This \$12,000,000 development, will create 55 new mixed-income apartments and is planned in partnership with Eagle Star Housing, Inc. to set aside at least 25% of the apartments for supportive

*Going the distance for you.*

housing for homeless vets. This development will create 4 new permanent jobs and 150 construction jobs for 12-15 months.

Plans include 8 studio, 39 one-bedroom and 8 two-bedroom apartments targeting households between 60% of Area Median Income and 90% of Area Median Income. Amenities will include a community room, fitness center, on-site laundry, raised garden beds, laptops for resident use, and private outdoor space for every apartment. Rent will include all utilities and residents will have access to an onsite community leader and 24/7 emergency maintenance services. The project will be constructed to be highly energy efficient, earning a LEED designation.

We have engaged GAR Associates to complete a market study, and their preliminary report demonstrates strong demand for mixed-income housing and veterans housing in this community. The central location will provide immediate access to life's necessities, such as health facilities, pharmacy, grocery, public transportation, and employment opportunities.

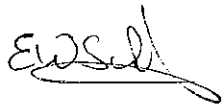
The parking facility will have one ingress/egress point from East Main St, with a drop-off area near the main entrance.

Enclosed is the following information to aid in your review:

- 7 copies of this Letter of Intent
- 7 copies of the Concept Layout Plan SK-1, last revised 04/18/2017 (11x17)
- 7 copies of the AutoTURN Analysis Plan AT-1, last revised 04/18/2017 (11x17)

We look forward to presenting this project to the Planning and Development Committee meeting. In the meantime, if you have any questions, or require additional information, please do not hesitate to contact our office.

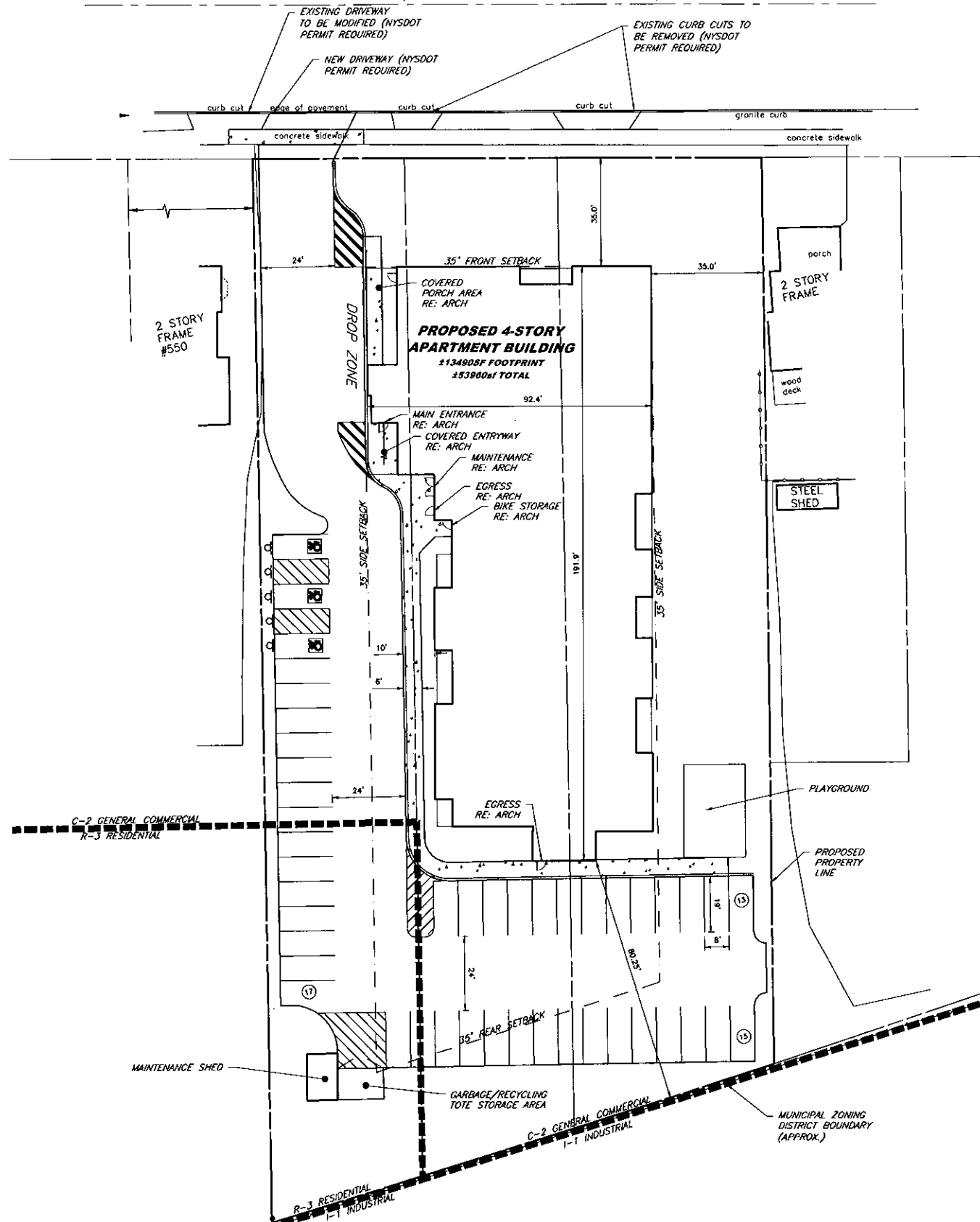
Respectfully submitted,



Eric W Schaaf  
MARATHON ENGINEERING

cc: Adam Driscoll, Home Leasing  
Tim Zigarowicz, SWBR Architects

EAST MAIN STREET (NYS ROUTE 5 & 33)



PROJECT STATISTICS

1. GENERAL:

- 1.1 PROPERTY APPLICANT - HOME LEASING  
1.2 PROPERTY ADDRESS - 552 554 556 EAST MAIN STREET  
BATAVIA, NY  
1.3 TAX ACCOUNT - 84 060-1-19, 84 060-1-20, 84 060-1-21

2. ZONING REGULATIONS:

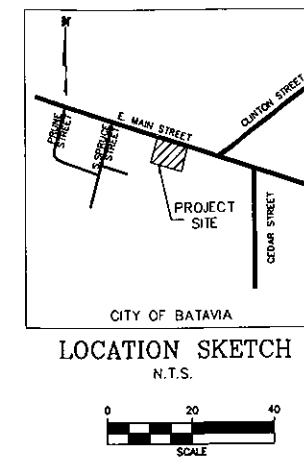
- 2.1 ZONING DISTRICT - C-2 - GENERAL COMMERCIAL & R-3 RESIDENTIAL  
2.2 CODE REQUIREMENTS -

	REQUIRED	PROPOSED	VARIANCE REQ'D?
MINIMUM LOT AREA	35,750 SF*	153,960 SF	NO
MINIMUM LOT FRONTAGE	100 FT	1162 FT	NO
MAXIMUM LOT COVERAGE (FOR HIGH RISE)	40%	28%	NO
BUILDING SETBACKS			
FRONT	35 FT	35 FT	NO
SIDE	35 FT	35 FT	NO
TOTAL SIDE	35 FT	70 FT	NO
REAR	35 FT	80 FT	NO
BUILDING HEIGHT			
NUMBER OF STORIES (MIN)**	3	4	NO
PARKING			
STANDARD SPACES	83	42	NO
ACCESSIBLE SPACES	2	3	NO
TOTAL NUMBER OF SPACES	85***	45	YES****
PARKING SPACE SIZE	8x19'	8x19'	NO

- \* MINIMUM LOT AREA PER DWELLING UNIT (D.U.) IS 6500 SF OF LOT AREA/H D.U. 55 D.U. 6500 SF/H D.U. = 35,750 SF  
REQUIREMENT FOR HIGH RISE APARTMENTS IN THE CITY OF BATAVIA ZONING CODE HAS BEEN MET. THE PROPOSED FOUR (4) STORIES IS GREATER THAN THE REQUIRED THREE (3) STORIES TO BE CONSIDERED  
HIGH RISE APARTMENTS  
REQUIRED PARKING: 1.5 SPACES REQUIRED FOR EVERY DWELLING UNIT 1.5 SPACES x 55 UNITS = 83 REQUIRED  
\*\*\* A WAIVER WILL BE REQUESTED OF THE PLANNING DEVELOPMENT COMMITTEE.  
\*\*\*\* A VARIANCE WILL BE REQUESTED FOR RELIEF FROM THE REQUIREMENT FOR A HIGH RISE BUILDING TO HAVE 2 ELEVATORS. ONLY ONE ELEVATOR IS PROPOSED

3. PARCEL STATISTICS:

- 3.1 AREA - 11.21 ACRES (AFTER LOT COMBINATION)  
3.2 EXISTING CONDITIONS: SINGLE FAMILY DWELLINGS/COMMERCIAL  
3.3 PROPOSED CONDITIONS: HIGH RISE APARTMENT IS AN ALLOWED USE BY SPECIAL PERMIT IN BOTH THE C-2 DISTRICT AND IN THE R-3 RESIDENTIAL DISTRICT.



**MARATHON**  
ENGINEERING  
39 CASCADE DRIVE  
ROCHESTER, NY 14614  
PHONE 585-458-7770  
www.marathoneng.com

CONCEPT SKETCH  
FOR  
**HOME LEASING - BATAVIA**  
CITY OF BATAVIA  
COUNTY OF GENESEE  
STATE OF NEW YORK

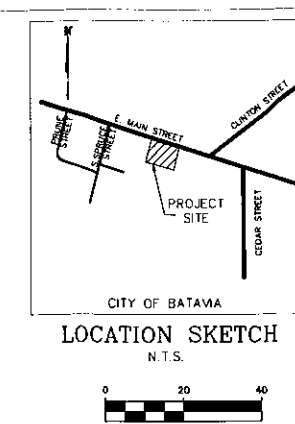
JOB NO. 0810-17  
SCALE: 1"=20'  
DRAWN: TJM  
DESIGNED: AMF  
DATE: 03/27/17

REVISIONS  
DATE BY REVISION  
04/18/17 MT LAYOUT MODIFICATIONS

COPYRIGHT ©2017 MARATHON ENG

DRAWING TITLE:  
CONCEPT  
LAYOUT PLAN

1 of 1  
SHEET No. SK-1  
0810-17  
JOB No. DRAWING No.

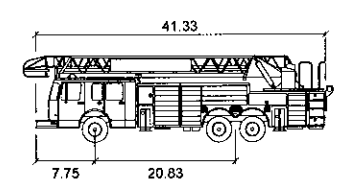


**CONCEPT SKETCH**  
**FOR**  
**HOME LEASING - BATAVIA**

JOB NO:	0810-17
SCALE:	N.T.S.
DRAWN:	TJM
DESIGNED:	AMF
DATE:	03/27/17
<b>REVISIONS</b>	
DATE	BY REVISION
04/18/17	MT LAYOUT MODIFICATION

COPYRIGHT © 2017 MARATHON ENG

1 of 1 SHEET No.	AT-1
0810-17 JOB No.	
DRAWING No.	



E-ONE 100' LADDER - BATAVIA LADDER TRUCK

	<u>feet</u>
Width	: 8.50
Track	: 8.50
Lock to Lock Time	: 6.0
Steering Angle	: 33.3