

PLANNING & DEVELOPMENT COMMITTEE

Tuesday, August 20, 2019

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

AGENDA

I. Roll Call

II. Call to Order

III. Approval of Minutes – 7/16/19

IV. Proposals

Address: 376 Bank St.

Applicant: Colin Dailey (owner)

Proposal: Subdivide this existing residential use parcel into two separate parcels

Actions:

1. Take application from the table
2. Review application
3. Public hearing
4. SEQR
5. Discussion and action by the board

V. Other/ New Business/Updates

VI. Setting of Next Meeting: September 17, 2019

VII. Adjournment

PLANNING & DEVELOPMENT COMMITTEE

DRAFT MINUTES

July 16, 2019

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

Members present: *David Beatty, Matt Gray, Tammy Hathaway, Robert Knipe*

Members absent: Edward Flynn, Duane Preston

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

I. Roll Call

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

II. Call to order

Mr. Gray called the meeting to order at 6:03 pm.

III. Previous Meeting Minutes

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

RESULT: Approval of June 18, 2019 meeting minutes.

IV. Proposals

- A. Area Variance to widen an existing 24' wide asphalt driveway by placing an additional 15' of asphalt paving for parking on the north side of the existing driveway in the front yard of this property

Address: *15 Oak St.*

Applicant: James Pontillo (owner)

- Actions:**
1. Review application
 2. Discussion and recommendation to the ZBA

1. Review Application

Mr. Gray read the summary of the proposal. Mr. Pontillo was available to speak about the project. According to him, the project will not only benefit the tenants, it will also help drivers using the road in front of the dwelling. He pointed out that in front of dwelling, the street opens to two lanes and it becomes hazardous for drivers trying to get into the driveway, and residents of the apartments trying to back out of the driveway. Mr. Pontillo also noted that at certain times of the day, traffic is congested, making it even more difficult for tenants to get in and out of the driveway.

2. Discussion and Action by the Board

Mr. Gray asked how long Mr. Pontillo has owned the property, and he told the board he purchased it in 2005.

Mr. Beatty asked how many cars are in the lot at any one time. Mr. Pontillo answered three. The downstairs is a larger apartment and there are generally two vehicles; the upstairs is one-bedroom unit, so there is usually one vehicle. He indicated that the lot is capable of holding six vehicles.

Mr. Gray asked if there is street parking at that location, and Mr. Pontillo responded no.

Mr. Gray pointed out that the PDC will make a recommendation, but it is actually the Zoning Board of Appeals which will make the decision regarding the parking variance. He described the history of the decisions the PDC has made regarding front yard parking. He said during his four-year tenure, the board has neither permitted nor made recommendations for front yard parking; it takes away from the community feel of a neighborhood.

Mr. Beatty asked if Mr. Pontillo had considered a porous paving system. Mr. Pontillo answered that he would not be opposed to a solution considered for esthetic purposes. His major concern is getting something done that will create a safer parking area for the tenants.

Mr. Knipe noted that while he generally agrees with the policy to not allow concrete in front yards, in this case he is sympathetic to the safety issue.

The board discussed approval with modifications which would call for the use of some kind of material other than concrete.

Mr. Pontillo asked if their concern is the esthetics of the project, and offered stamped concrete as a possible solution, however, Mr. Knipe pointed out that even if it is colored, it is still concrete.

MOTION: Mr. Knipe moved to recommend approval of the variance to the ZBA with the following modification: a product is used which is designed to be parked on that allows grass to grow through, and does not include stone or gravel. The motion was seconded by Ms. Hathaway, and on roll call, was approved 4-0.

RESULT: Recommendation to the ZBA for approval of the variance with the above modification.

B. Area variance to place an additional asphalt parking area parallel to Swan Street on this property located within the Business Improvement District

Address: 400 Ellicott St.

Applicant: James Pontillo (owner)

- Actions:**
1. Review application
 2. Discussion and recommendation to the ZBA

1. Review Application

Mr. Gray read the summary of the proposal. Mr. Pontillo explained that there is no way to park a vehicle in this area without hanging over the sidewalk.

2. Discussion and Action by the Board

Mr. Gray asked about the reason for not putting the parking area next to the garage. Mr. Pontillo replied that is the loss of the green space.

Mr. Beatty asked if vehicles will park end to end, and Mr. Pontillo said they will.

MOTION: Ms. Hathaway moved to recommend approval of the variance to the ZBA; the motion was seconded by Mr. Beatty, and on roll call, was approved 3-1-0.

Votes in favor: 3 (David Beatty, Matt Gray, Tammy Hathaway)

Votes opposed: 1 (Robert Knipe)

Votes abstained: 0

RESULT: Recommendation to the ZBA for approval of the area variance.

C. Erect a fence on this property that is located within the Business Improvement District

Address: 219 East Main St.

Applicant: Scott Neff (owner)

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

1. Review Application

Mr. Gray read the summary of the proposal. He reported that the Genesee County Planning Board recommended approval of the project. Mr. Neff explained that he would like to place approximately 38' of fence matched to fill a gap in an existing fence.

2. Discussion and Action by the Board

MOTION: Ms. Hathaway moved to approve the proposal; the motion was seconded by Mr. Knipe, and on roll call, was approved 4-0.

RESULT: Permit for fence in the BID approved.

D. Site Plan Review for a proposed 8,875 sq.' pre-engineered metal building addition to an existing structure. The addition will be used as a storage space for bare metal products used in manufacturing processes

Address: 20 Florence Ave.

Applicant: Jake Maurer (contractor for owner)

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

1. Review Application

Mr. Gray read the summary of the proposal. Tim Hens, engineer for the project, spoke on behalf of the proposal. He explained that the structure is an addition to an existing building, in the same style as that building, and will serve as unheated, covered storage. It will be constructed on an already paved area and tied into existing stormwater facilities.

2. Public Hearing

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

RESULT: Public hearing opened at 6:37 pm.

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

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

RESULT: Public hearing closed at 6:38 pm.

3. SEQR

Mr. Gray asked if the board had reviewed part one of the SEQR application and they indicated they had. The board went through the questions for part two.

MOTION: Mr. Knipe moved to approve a negative declaration of SEQR; the motion was seconded by Ms. Hathaway, and on roll call, was approved 4-0.

RESULT: Negative declaration of SEQR

4. Discussion and Action by the Board

Mr. Gray asked if any changes were made to the plans since the PDC reviewed the Sketch Plan. Mr. Hens responded that the only change is that a set of bifold doors on the north side will be centered rather than off to the side.

Mr. Gray asked about lighting spilling over into any residential areas, and Mr. Hens said that the lighting will be dark sky compliant.

MOTION: Mr. Knipe moved to approve the Site Plan; the motion was seconded by Mr. Beatty, and on roll call, was approved 4-0.

RESULT: Site Plan approval.

E. Amend a previously issued building permit to allow for exterior alterations of the front (north) elevation of the commercial building located within the BID

Address: 113-119 Main St.

Applicant: Joe Condidorio (contractor)

Actions: 1. Review application
2. Discussion and action by the board

1. Review Application

Mr. Gray read the summary of the proposal. He reported that the Genesee County Planning Board recommended approval of the project.

2. Discussion and Action by the Board

Mr. Gray noted that the only change seems to be that the three doors indicated on the right side of the elevation have been replaced by a set of double doors with lights on either side, and an exterior exit door has been removed from the fire wall.

Mr. Randall said that the stairway leading to the exit door has been reconfigured to create more office space and now leads to an interior hallway. Mr. Gray asked if there are any code issues because of the changes, and Mr. Randall answered no.

MOTION: Mr. Knipe moved to approve the proposal; the motion was seconded by Ms. Hathaway, and on roll call, was approved 4-0.

RESULT: Exterior changes approved.

F. Subdivide this existing residential use parcel into two separate parcels

Address: 376 Bank St.

Applicant: Colin Dailey (owner)

Actions:

1. Review application
2. Public Hearing
3. SEQR
4. Discussion and action by the board

The applicant was not in attendance to answer the board's questions.

MOTION: Mr. Knipe moved to table the proposal; the motion was seconded by Mr. Beatty, and on roll call, was approved 4-0.

RESULT: Application tabled.

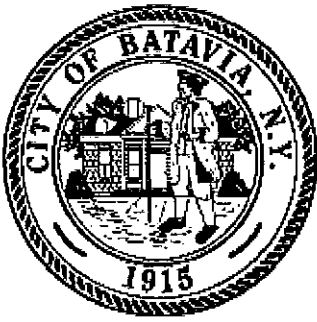
V. Other/New Business/Updates: none

VI. Setting of Next Meeting: August 20, 2019

VII. Adjournment

Mr. Gray moved to adjourn the meeting at 6:57 p.m.

Meg Chilano
Bureau of Inspection Secretary



City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020

(585)-345-6345

(585)-345-1385 (fax)

To: Genesee County Planning
Planning and Development Committee

From: Doug Randall, Code Enforcement Officer

Date: 6/27/18

Re: 376 Bank St.
Tax Parcel No. 71.020-1-60.1

Zoning Use District: R-1A

The applicant, Colin Dailey (owner), has filed a minor subdivision application to subdivide this existing residential use parcel into two separate parcels.

Review and Approval Procedures:

County Planning Board- Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of the boundary of the city.

City Planning and Development Committee- Pursuant to section 162-2 of the zoning ordinance, the Planning and Development Committee is authorized to approve plats.

BMC 162-40 B If the pre-application sketch is approved the PDC Chairman will sign and date the reproducible sketch.

The PDC will be the lead agency to conduct SEQR.

SEND OR DELIVER TO:

GENESEE COUNTY DEPARTMENT OF PLANNING

3837 West Main Street Road

Batavia, NY 14020-9404

Phone: (585) 815-7901

DEPARTMENT USE ONLY:

GCDP Referral # _____



*** GENESEE COUNTY ***
PLANNING BOARD REFERRAL

Required According to:

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

(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATIONBoard(s) Planning and Development CommitteeAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345-6327 Ext. _____**2. APPLICANT INFORMATION**Name Colin DaileyAddress 6 Orchard Dr.City, State, Zip LeRoy, NY 14482Phone (585) 469-4562 Ext. _____ Email colin-dailey@yahoo.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: Minor subdivision

- Subdivision Proposal
☐ Preliminary
☒ Final

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:A. Full Address 376 Bank StreetB. Nearest intersecting road Northern BlvdC. Tax Map Parcel Number 71.020-1-60.1D. Total area of the property 1.215 acres Area of property to be disturbed 0E. Present zoning district(s) R-1A**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

NoneC. Please describe the nature of this request Approval to subdivide one existing parcel into two separate parcels**6. ENCLOSURES** – Please enclose copy(s) of all appropriate items in regard to this referral

- ☒ Local application
☐ Site plan
☒ Subdivision plot plans
☒ SEQR forms

- ☐ Zoning text/map amendments
☒ Location map or tax maps
☐ Elevation drawings
☐ Agricultural data statement

- ☐ New or updated comprehensive plan
☒ Photos
☒ Other: Cover letter

7. CONTACT INFORMATION of the person representing the community in filling out this form (required information)Name Douglas Randall Title Code Enf. Officer Phone (585) 345-6327 Ext. _____Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020 Email drandall@batavianewyork.com

Application No.: 19-04
Date: 7/1/19



MINOR SUBDIVISION APPLICATION

CITY OF BATAVIA

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

ADDRESS OF SUBDIVISION 376 Bank St Batavia, NY 14020
71.020-1-60.1

OWNER:

Colin Dailey Dailey-Colin@yahoo.com
Name E-mail Address
6 Orchard Ave Dr (585)-469-4562
Street Address Phone Fax
Leroy, NY 14482
City, State, Zip Code

SIGNATURE

FEES: ☒ \$50 Residential Subdivision ☐ \$100 Non-Residential Subdivision

Short Environmental Assessment Form

Part 1 - Project Information

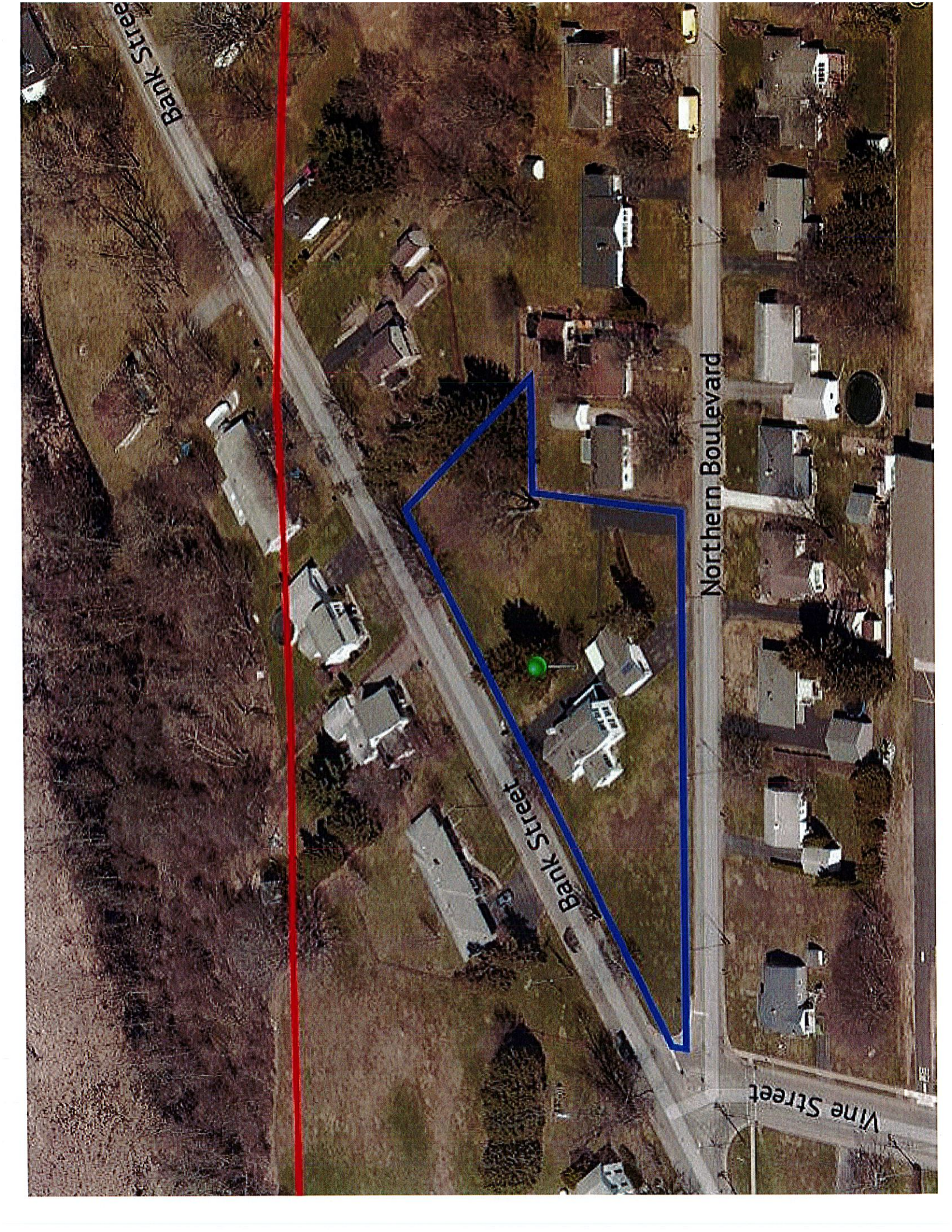
Instructions for Completing

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.

Part 1 – Project and Sponsor Information			
Colin Dailey			
Name of Action or Project:			
Minor subdivision of 376 Bank St.			
Project Location (describe, and attach a location map):			
376 Bank St., Batavia, NY 14020			
Brief Description of Proposed Action:			
Minor subdivision of one existing residential parcel into two separate parcels.			
Name of Applicant or Sponsor:		Telephone: 585-469-4562	
Colin Dailey		E-Mail: Dailey_Colin@yahoo.com	
Address:			
6 Orchard Dr.			
City/PO:		State:	Zip Code:
LeRoy,		NY	14482
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
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.			YES
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
3. a. Total acreage of the site of the proposed action?			1.215 acres
b. Total acreage to be physically disturbed?			0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			1.215 acres
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input checked="" 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 <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input checked="" type="checkbox"/>	N/A <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? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____ _____	NO <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: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input 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? 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 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	



Bank Street

Northern Boulevard

Bank Street

Vine Street

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

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

Signature _____

Date _____

● EXISTING IRON STAKE

SET IRON PIN

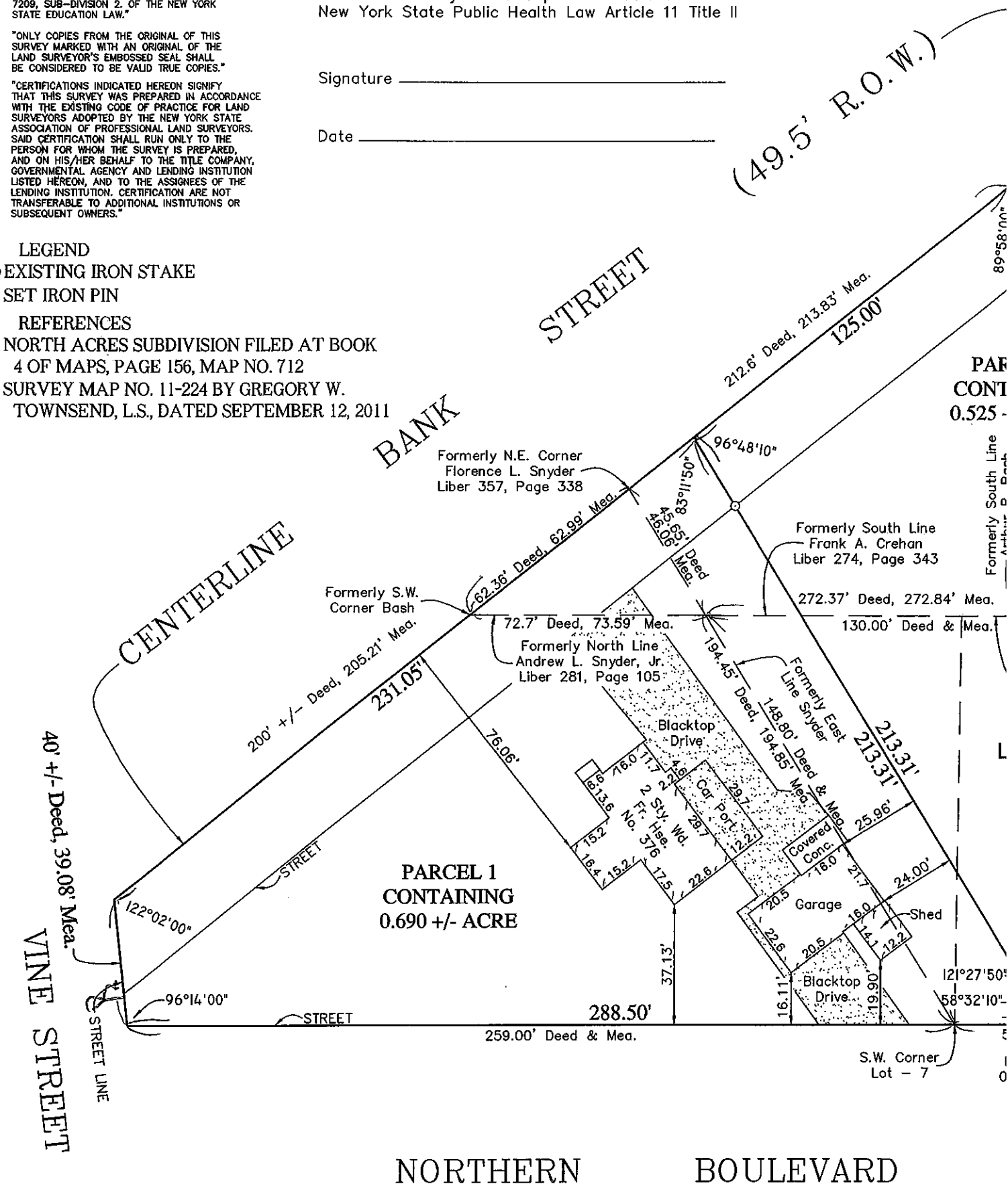
REFERENCES

NORTH ACRES SUBDIVISION FILED AT BOOK

4 OF MAPS, PAGE 156, MAP NO. 712

SURVEY MAP NO. 11-224 BY GREGORY W.

TOWNSEND, L.S., DATED SEPTEMBER 12, 2011



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

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

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

LEGEND

● EXISTING IRON STAKE
SET IRON PIN

REFERENCES

NORTH ACRES SUBDIVISION FILED AT BOOK 4 OF MAPS, PAGE 156, MAP NO. 712
SURVEY MAP NO. 11-224 BY GREGORY W. TOWNSEND, L.S., DATED SEPTEMBER 12, 2011

This particular referenced action is not subject to Genesee County Health Department review under New York State Public Health Law Article 11 Title II

Signature _____

Date _____

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

APPROVED BY CITY OF BATAVIA PLANNING BOARD

CHAIRMAN _____

DATE _____

APPROVED BY CITY OF BATAVIA ENGINEERS

ENGINEER _____

DATE _____

FILED IN GENESEE COUNTY CLERK'S OFFICE AS:

CABINET No. _____, SLIDE No. _____, MAP No. _____

COUNTY CLERK _____

DATE _____

CENTERLINE
40' +/- Deed, 39.08' Mea.
VINE STREET

BANK STREET

BANK

PARCEL 1
CONTAINING
0.690 +/- ACRE

PARCEL 2
CONTAINING
0.525 +/- ACRE

LOT - 7

LOT - 9

LOT - 11

NORTHERN

BOULEVARD

(50.0' R.O.W.)

REAL PROPERTY TAX SERVICES

DATE _____

APPROVED BY _____

I HEREBY CERTIFY THAT THIS LAND SEPARATION WAS PREPARED BY ME, AND WAS MADE FROM AN ACTUAL SURVEY COMPLETED BY ME ON SEPTEMBER 12, 2011 AND JUNE 15, 2019 AND REFERENCES LISTED HEREON

BOUNDARY SURVEY SHOWING THE SEPARATION OF LANDS OF COLIN D. DAILEY, BEING PART OF ORIGINAL VILLAGE LOT NO. 38. SITUATE IN THE CITY OF BATAVIA, COUNTY OF GENESEE AND STATE OF NEW YORK

JUNE 15, 2019

SCALE 1" = 40'

JOB NO. 19-205

DATE

N.Y.S.R.L.S. No. 50249