

PLANNING & DEVELOPMENT COMMITTEE
OFFICIAL MINUTES

October 18, 2022

6:00 pm

Council Board Room
One Batavia City Centre, Batavia NY

Members present: *David Beatty, Edward Flynn, John Ognibene, Duane Preston*

Members absent: Rebecca Cohen, Derek Geib

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

I. Roll Call

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

II. Call to order

Mr. Preston called the meeting to order at 6:00 p.m.

III. Previous Meeting Minutes

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

RESULT: Approval of September 20, 2022 meeting minutes.

IV. Proposals

- A. Area Variance to install one 99 sq.' electronic message board sign on the west elevation of the existing marquee sign, and one 41 sq.' electronic message board sign on the east elevation of the existing marquee sign.

Address: *210-212 East Main Street.*

Applicant: John Flannery (contractor)

- Actions:** 1. Review application and discussion
 2. Recommendation to the ZBA

1. Review Application and Discussion

Mr. Flannery explained that City Church intends an overall renovation of the sign, which includes installation of a digital reader board. The reader board will display the schedule of services. The renovation will also include a new roof structure over the sign with some LED down lighting. LED lighting will replace the tube lighting in the band that runs around the sign.

Mr. Flynn asked if the existing marquee will remain, and Mr. Flannery said it would.

Mr. Flynn asked how the gaps between the sign sections would be filled. Mr. Flannery responded that aluminum panels would be placed over the gaps.

Mr. Beatty asked about the digital capabilities of the sign and the possibility of animation, and Mr. Flannery said the sign could produce images of good quality.

Mr. Preston asked Mr. Flannery to affirm that only information regarding City Church services would be displayed, and as per the sign code, there will be no paid advertising. Mr. Flannery agreed that this is the case.

Mr. Flynn pointed out that the sign code was written in a way to exclude digital advertising on Main Street. The only reason why he would consider making an exception for this sign is that it was originally used over a theater in a place of assembly, and is therefore not a traditional business sign.

Mr. Beatty said that he would prefer more conventional signage or a solution that involves a more creative restoration of the marquee sign.

2. Action by the Board

MOTION: Mr. Ognibene moved to recommend approval of the variance to the ZBA with the stipulation that the digital message board can change no more than once per 60 seconds. The motion was seconded by Mr. Flynn, and on roll call, was approved 3-1-0.

Votes in favor: 3 (Ed Flynn, John Ognibene, Duane Preston)

Votes opposed: 1 (David Beatty)

Votes abstained: 0

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

B. Obtain a rooming house permit to operate two existing rooming house structures. 134 West Main Street contains 5 rooming house units and 2 self-contained apartments. The front building of 128-130 West Main Street contains 13 rooming house units and 2 self-contained apartments units

Address: 134 West Main Street and 128-130 West Main Street

Applicant: Ryan McDonald (purchaser)

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

1. Review Application

Mr. Preston read the summary of the proposal.

Mr. Randall noted that this is a case of ownership transfer.

2. Action by the Board

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

RESULT: Application approved.

C. Use Variance to gut and renovate an existing building that includes a partial floor residential use. Approximately 852 sq.' of a 1,500 sq.' dwelling unit is located on the first floor rear half of this building. The residential use has been vacant for more than a year and has lost its non-conforming status

Address: 327 Ellicott Street

Applicant: Bradley Trzeciecki (owner)

Actions: 1. Review application and discussion
2. Recommendation to the ZBA

1. Review Application and Discussion

Mr. Preston read the summary of the proposal.

Mr. Trzeciecki explained that he bought the property several years ago. He encountered funding problems due to floodplain compliance issues, of which he had been previously unaware.

He now has the funding lined up and would like to proceed with the project. For the project to be a reasonable investment, Mr. Trzeciecki would like the property to remain as mixed use, with commercial in the lower front, and living space to the rear and upstairs.

Mr. Trzeciecki noted that if the mixed-use designation is lost, the project will go from three bedrooms down to one, and will significantly reduce the investment on the property.

2. Action by the Board

The board agreed that commercial on the lower level and living space on the upper is desirable for this area.

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

RESULT: Application approved.

V. Setting of Next Meeting: November 15, 2022

VI. Adjournment

Mr. Preston moved to adjourn the meeting at 6:44 p.m., and Mr. Beatty seconded the motion. All voted in favor.


Meg Chilano
Recording Secretary