

# PLANNING & DEVELOPMENT COMMITTEE

## *OFFICIAL MINUTES*

**December 20, 2022**

**6:00 pm**

Council Board Room

One Batavia City Centre, Batavia NY

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

Members absent: Rebecca Cohen, Edward Flynn, Derek Geib

Others present: Lauren Donovan – Recording Secretary, Doug Randall – Code Enforcement Officer

### **I. Roll Call**

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

### **II. Call to order**

Mr. Preston called the meeting to order at 6:01 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 November 15, 2022 meeting minutes.**

### **IV. Proposals**

- A. Special Use Permit to create a “Live / Work Unit” that includes the existing second floor residential space and the first floor office space on the north side of the building. These spaces will be occupied by a tenant for dwelling and practicing musical instruments

**Address:** *110 Cedar Street*

**Applicant:** Harry Barsuk, owner (Barsuk Properties)

- Actions:**
1. Review application
  2. Public hearing and discussion
  3. Action on Special Use Permit

#### **1. Review Application**

Mr. Preston read the summary of the proposal

#### **2. Public Hearing and Discussion**

**MOTION:** Mr. Beatty moved to open the public hearing. The motion was seconded by Mr. Ognibene, and on roll call, was approved 3-0.

**RESULT: Public hearing opened at 6:03 p.m.**

Attorney Jerry Williams and prospective tenant / artist Dan, accompanied Mr. Barsuk to speak on behalf of the project.

Mr. Barsuk told the board that there is an apartment in this building, which had at one time been occupied. A business was located on the lower level, and the owners of the business lived in the upper apartment. Mr. Barsuk would like the building to be occupied by an artist who could use the space to live and practice.

Mr. Preston asked if the space is just for the tenant's use. Dan answered that the downstairs space would be used by the band for practice, while he would live in the upstairs apartment. He pointed out that there are no neighbors who would be disturbed by the noise.

Mr. Preston stated that if the board approves the permit, the condition would be that it would apply only to the current tenant. Any future tenant would also have to apply for a Special Use Permit to be decided by the board.

Mr. Beatty asked if the rest of the space in the building is in use. Mr. Barsuk answered that Ben's Appliances is renting the rest of the building for warehouse use.

**MOTION:** Mr. Beatty moved to close the public hearing. The motion was seconded by Mr. Ognibene, and on roll call, was approved 3-0.

**RESULT: Public hearing closed at 6:08 p.m.**

### **3. Action by the Board**


**MOTION:** Mr. Beatty moved to approve the permit; the motion was seconded by Mr. Ognibene, and on roll call, was approved 3-0.

**RESULT: Special Use Permit approved with the condition that each new tenant must be approved by the board.**

## **V. Setting of Next Meeting: January 17, 2023**

## **VI. Adjournment**

Mr. Preston moved to adjourn the meeting at 6:11 p.m., and Mr. Beatty seconded the motion. All voted in favor.

  
Meg Chilano  
Recording Secretary