

PLANNING & DEVELOPMENT COMMITTEE

OFFICIAL MINUTES

February 28, 2023

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

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

Members absent: Rebecca Cohen, Edward Flynn

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 6:01 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 January 17, 2023 meeting minutes.

IV. Proposals

- A. Area Variance to widen an existing 10' wide asphalt driveway by placing an additional 10' of gravel to the east side of the existing driveway

Address: *177 South Main Street*

Applicant: Kathy Antinore (owner)

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

1. Review Application

Mr. Preston read the summary of the application.

Ms. Antinore was present to speak about the project. She explained that the house is a duplex with a tenant in the upper. The driveway is narrow and there is not enough space to park all of the vehicles; there is always a vehicle on the street. The extra space Ms. Antinore has requested would be near the front door and accommodate the upstairs tenant, who uses the front door.

2. Discussion and Action by the Board

Mr. Preston noted that the board prefers not to have driveways or parking spaces in the front yard; however, there is clearly a need for more space in this case. The board decided that the request was not significant.

MOTION: Mr. Beatty moved to recommend approval of the variance to the ZBA; the motion was seconded by Mr. Ognibene, and on roll call, was approved 4-0.

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

B. Exterior changes to the northern façade of this building in the downtown Business Improvement District

Address: 210-212 East Main Street (City Church)

Applicant: Jon Flannery (contractor)

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

1. Review Application and Discussion

Mr. Preston read the summary of the proposal.

Mr. Flannery said that since the sign has been approved, the church is ready to replace the roof on the marquee. They also wish to remove the ticket booth and put tile on the façade, as well as replace the front doors.

Mr. Preston asked about the progress of the marquee sign and if the lights along the bottom will be replaced. Mr. Flannery said that the sockets will be taken out and a sheet of aluminum placed in the channel with strip lights. He indicated that the detail would remain.

Mr. Beatty asked if the curved shape of the front will remain after the ticket booth is removed, and Mr. Flannery answered that it would.

Mr. Beatty asked about the tile that will make up the façade, but Mr. Flannery said that the tile has not yet been chosen. He speculated that it would be something small that can handle the transition of the curve.

Mr. Preston asked if the door to the ticket booth would be replaced. Mr. Flannery said no and explained that the entrance will consist of four doors. Structural changes would be required to accommodate five doors.

Mr. Beatty asked for clarification of the door changes on the plans. Mr. Flannery said that the doors will be replaced in kind, with an aluminum transom aluminum and bronze doors.

Mr. Geib pointed out that without a tile selection, the board has no way of knowing what the building will look like. The board decided they want to see samples before approving the proposal.

2. Action by the Board

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

RESULT: Application tabled.

C. Restricted Residential Use Special Use Permit for the creation of two additional apartments on the third floor of this existing mixed-use building

Address: *5-7 Jackson Street*

Applicant: David Ciurzynski (agent for the owner)

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

1. Review Application and Discussion

Mr. Preston read the summary of the proposal.

Colin Lewis was present to speak about the project. He explained that the project involves replacing windows, putting in two third-story two-bedroom apartments, and cleaning up the façade.

2. Public Hearing

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

RESULT: Public hearing opened at 6:25 p.m.

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

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

RESULT: Public hearing closed at 6:26 p.m.

3. SEQR

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

RESULT: SEQR approved.

4. Action by the Board

MOTION: Mr. Beatty moved to approve the proposal as presented; the motion was seconded by Mr. Geib, and on roll call, was approved 4-0.

RESULT: Special Use Permit approved.

D. Restricted Residential Use Special Use Permit for the creation of four apartments on the second floor and three apartments on the third floor of this existing building

Address: 101-103 Main Street

Applicant: David Ciurzynski (agent for the owner)

Actions:

1. Review application and discussion
2. Public hearing
3. SEQR
4. Action on Special Use Permit

1. Review Application and Discussion

Mr. Preston read the summary of the proposal.

Mr. Lewis told the board that the building will be repointed and the limestone façade refreshed. Windows will be replaced, except for the part of the building facing 5-7 Jackson Street, where window openings will be created.

Mr. Preston asked if there are any plans for the first floor. Mr. Lewis responded that the focal point for the moment is the second and third floor. Eventually, they will look for a commercial tenant and retrofit the first floor space to meet the business's needs.

2. Public Hearing

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

RESULT: Public hearing opened at 6:33 p.m.

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

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

RESULT: Public hearing closed at 6:34 p.m.

3. SEQR

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

RESULT: SEQR approved.

4. Action by the Board

MOTION: Mr. Geib moved to approve the proposal as submitted; the motion was seconded by Mr. Beatty, and on roll call, was approved 4-0.

RESULT: Special Use Permit approved.

E. Restricted Residential Use Special Use Permit for the creation of four apartments on the second floor of this existing building

Address: 103-105 Main Street
Applicant: David Ciurzynski (agent for the owner)
Actions: 1. Review application and discussion
2. Public hearing
3. SEQR
4. Action on Special Use Permit

1. Review Application and Discussion

Mr. Preston read the summary of the proposal.

Mr. Lewis said that the replacement windows for this building would match the windows on 101-103 Main Street. Once again, the building will be repointed and the façade refreshed. The heating/cooling unit on the roof will not be visible from Main Street.

Mr. Randall asked for clarification on the number of apartments in each building, and Mr. Lewis said that 101-103 Main Street will have four apartments and 105-107 Main Street will have six apartments.

Mr. Preston asked about the elevator, and Mr. Lewis answered that the interior elevator has been retrofitted.

2. Public Hearing

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

RESULT: Public hearing opened at 6:42 p.m.

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

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

RESULT: Public hearing closed at 6:43 p.m.

3. SEQR

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

RESULT: SEQR approved.

4. Action by the Board

MOTION: Mr. Geib moved to approve proposal as submitted; the motion was seconded by Mr. Beatty, and on roll call, was approved 4-0.

RESULT: Special Use Permit approved.

V. Setting of Next Meeting: March 21, 2023

VI. Adjournment

Mr. Preston moved to adjourn the meeting at 6:46 p.m., and Mr. Beatty seconded the motion. All voted in favor.



Meg Chilano
Bureau of Inspection Secretary