

PLANNING & DEVELOPMENT COMMITTEE

MINUTES

June 16, 2015 6:00 pm

Council Board Room
One Batavia City Centre, Batavia NY

Members present: *Edward Flynn, Matthew Gray, Alfred McGinnis, Rachael Tabelski, Duane Preston*

Others present: *Meg Chilano – Recording Secretary, Jason Molino – City Manager, Doug Randall – Code Enforcement Officer*

I. Roll Call

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

II. Call to order

Mr. Preston called the meeting to order at 6:02 pm.

III. Previous Meeting Minutes

Mr. Gray moved to approve the minutes; the motion was seconded by Mr. McGinnis, and on roll call, was approved 5-0.

RESULT: Approval of May 19, 2015 meeting minutes.

IV. Proposals

- A. Site Plan Review--Construction of a 229,823 sq.' (approx.) "Warehouse and Pallet & Labeling" addition to this existing industrial complex. The proposed addition will be constructed across the City/Town municipal boundaries and is subject to approvals from both municipalities. The majority of the "Warehouse" structure (188,048 sq.' approx.) will be located within the Town of Batavia. The northern portion (6,495 sq.' approx.) of the "Warehouse" and the entire "Pallet & Labeling" area (35,280 sq.') will be located within the City of Batavia. The applicant is proposing to merge the multiple parcels in the project area to comply with the City's zoning requirements

Address: *165 Cedar Center Street (aka 4815 Ellicott St. Road) (O-AT-KA Milk Products Coop. Inc.)*

Applicant: David Nutting (Chairman, VIP Structures-agent for owner)

- Actions:
1. Review application
 2. Public hearing and discussion
 3. Action by the board

1. Review Application

Mr. Preston read the summary of the proposal.

2. Public Hearing and Discussion

Mr. Preston opened the Public Hearing at 6:06 pm. Tom Malinowski, Project Architect with VIP Structures, was present to speak about the proposal. He had brought drawings with him on which he indicated where the proposed expansion would take place at the current facility. He said that the expansion is predominately warehousing with some palletizing and labeling, which is part of the process. He showed the flow of process and where docks would be created on the east end of the new expansion. According to Mr. Malinowski, his firm is in the process of obtaining permission from National Grid to pave beneath their lines, so there would be a drive extending out to the road. He indicated where the municipal boundary runs through the project and which part would be located in the City and which part would be located in the Town.

Mr. Flynn asked if the building will be on a slab. Mr. Malinowski said yes, that it is a single story facility.

Mr. Preston asked if the expansion would allow O-AT-KA to double their operation. Mike Patterson (from O-AT-KA) said that it will allow them to bring back some offsite storage creating greater efficiency. Mr. Patterson explained that some product is double-handled at the moment because it is located offsite and needs to be brought back to the plant before it is shipped to the customer. The amount of traffic that shuttles back and forth from the site on Ellicott Street will decrease. He said that congestion will be relieved on Ellicott by re-directing some of the traffic to Ag Park Drive.

Mr. Patterson added that it will also allow them to reposition some of the equipment in the new expansion and generate greater production capacity in the plant. According to Mr. Patterson, the expansion will create a space for them to grow into over a projected period of 5-7 years.

Mr. McGinnis asked if there is adequate parking for the expansion. Mr. Patterson said that initially, not much will change regarding parking. Approximately 20 employees will be added over a period of about five years. He pointed out where new truck parking will be created, with nine new dock doors and 11 additional tractor trailer spaces.

Mr. Flynn asked about the Genesee County Planning Board recommendation of a storm water retention plan. Mr. Malinowski answered that they are working with their civil engineering consultant to develop a system and are in the process of finalizing surveys for the plan. He noted that they are situated in the flood plain so they also have to manage the water that is displaced within the flood plain. He told the board that they would be submitting the plan to the City upon its completion.

Mr. Patterson inquired about the submission process and whether O-AT-KA should continue to submit plans to both the City and the Town. He asked if they would need to separate the project plans. Mr. Randall assured Mr. Patterson that it was not necessary to separate the project.

Mr. Patterson asked how far in advance they need to submit materials for the next meeting. Mr. Randall explained that if the board is satisfied with the present submission and approve the plans, the rest could be handled by review through the permit process.

Mr. Flynn asked if SWPP would be required by the City or the Town, and Mr. Randall replied that it is needed by both. He added that the review is actually done by the DEC and the City just keeps a record that it was done on file.

There were no calls or correspondence and no one present who wished to speak about the project. Mr. Preston closed the public hearing at 6:15 pm.

3. Action by the Board

MOTION by Mr. Preston: "Since the Town of Batavia has indicated they will be the lead agency to conduct SEQR, I move to approve the Site Plan conditional upon a negative declaration of SEQR by the Town of Batavia Planning Board." The motion was seconded by Mr. McGinnis, and on roll call, was approved 4-0-1.

Votes in favor: 4 (Edward Flynn, Matthew Gray, Alfred McGinnis, Duane Preston)

Votes opposed: 0

Votes abstained: 1 (Rachael Tabelski)

RESULT: Site Plan approved.

- B. Widen an existing 11.41' wide asphalt driveway to 23.31' by placing a 12' wide stone addition to the north side of the existing driveway

Address: 23 Seneca Avenue

Applicant: George Mirrione (owner)

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

1. Review Application

Mr. Preston read the summary of the proposal. Mr. Mirrione said that he would like to expand the driveway in order to make room for visiting family members to park, especially if they stay overnight in the winter; it would give them a way to get off the street.

2. Discussion and Recommendation to the ZBA

Mr. Flynn asked if he is also planning to expand the apron. Mr. Mirrione answered that he is.

Mr. Gray asked how he came up with a figure of 23.41' for the width of the driveway and Mr. Flynn said he also wondered why the driveway needed to be so large when the standard is 20'. Mr. McGinnis asked if Mr. Mirrione was determined on the width or if he would be willing to compromise. Mr. Mirrione answered that he would compromise.

Mr. McGinnis asked if Mr. Mirrione is planning to blacktop the whole area and he responded that he is planning to use stone now and perhaps blacktop later. Mr. McGinnis said that he is concerned about how much having a lot of stone in the front would affect the property value. Mr. Preston asked when he intended to asphalt the driveway and Mr. Mirrione replied in about five years.

Mr. Flynn asked if he is going to extend the fence backward and Mr. Mirrione said no. Mr. McGinnis asked if there is a fence between him and the neighbor and Mr. Mirrione answered no. Mr. Mirrione said that the neighbor, Mr. Colantonio, had sold him that strip of property because he realized Mr. Mirrione had to switch his cars around continually. Mr. Mirrione said that Mr. Colantonio has sold his property since that time and Mr. Mirrione has not spoken to the new neighbor regarding the driveway.

Mr. McGinnis asked if Mr. Mirrione has owned the property for very long and he said just within the year.

Mr. Preston and Mr. McGinnis stated that the driveway should be reduced in size and should be asphalted; Mr. Flynn agreed and also noted that there is no room in the rear yard. Ms. Tabelski agreed added that she approves because the driveway is not placed in front of the porch.

MOTION: Mr. McGinnis moved to recommend approval to the ZBA with the following conditions:

1. The driveway width is reduced to 20'
2. The driveway is paved within one year

Mr. McGinnis advised, but did not make it a condition, that Mr. Mirrione should consult an engineer regarding soil composition and how much gravel and stone should be used in the driveway until it is paved.

The motion was seconded by Ms. Tabelski, and on roll call, was approved 5-0.

RESULT: Recommendation to the ZBA to approve Area Variance with conditions.

- C. Widen an existing 10' wide stone driveway by placing 13' of stone to the east side of the existing driveway

Address: *17 Maple Street*
Applicant: Timothy Corcoran (owner)
Actions: 1. Review application
2. Discussion and recommendation to the ZBA

1. Review Application

Mr. Preston read the summary of the proposal. According to Mr. Corcoran, his vehicles are large and street parking is at a premium, and even when it is available it is hazardous. Mr. Corcoran stated that he needs more room in his driveway. He pointed out that the neighbor is not an issue because there is a fence that runs down the side of the property.

2. Discussion and Recommendation to the ZBA

Mr. Preston asked about the composition of the current driveway. Mr. Corcoran told him that it is stone.

Mr. Flynn asked if Mr. Corcoran had considered putting parking in the back yard because it is about 80' long. Mr. Corcoran answered that he likes green and he would prefer to keep his options for the back open. He said that in the future he might like to put a garage at the end of the driveway and leave the back open for yard furniture and recreation. Mr. Flynn noted that there would be room for a garage with plenty of space left over.

Mr. McGinnis asked how long Mr. Corcoran has resided at this location and he responded that he has lived here since 1994.

Mr. Preston stated that in the past the board has frowned upon driveways in the front, preferring instead that they be placed in the rear yard.

Mr. McGinnis asked if Mr. Corcoran has spoken with the neighbors. Mr. Corcoran reported that the neighbors do not seem to care.

Ms. Tabelski asked if Mr. Corcoran had a garage, would it change his need to have parking in the front, considering that the garage would provide more parking area. She indicated that the board is trying to preserve the front lawn area for esthetic reasons.

Mr. McGinnis noted that the neighbor has a parking area in the front similar to what Mr. Corcoran is proposing, along with another resident on the street. Mr. Preston pointed out that the neighboring house is a four-unit structure and that with the addition on Mr. Corcoran's driveway, the area will look like one large parking lot.

Mr. McGinnis said that considering there are three other properties with parking in the front, a precedent has been set. Mr. Preston questioned the validity of the precedent.

Mr. Gray said he thought the driveway should be in the back; Mr. Flynn agreed, as did Mr. Preston.

MOTION: Mr. Flynn moved to recommend disapproval of the application; the motion was seconded by Ms. Tabelski, and on roll call, was approved 5-0.

RESULT: Recommend to the ZBA to disapprove Area Variance.

- D. Special Sign Permit—Placement of a 6' x 20' interior lit wall sign on the east elevation of this commercial building in addition to an already approved 6' x 6' interior lit wall sign being placed on the north elevation

Address: 427 West Main Street (aka 4152 West Main Street)

Applicant: Michael Houseknecht (owner)

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

1. Review Application

Mr. Preston read the summary of the proposal. Mr. Houseknecht explained that his company is a commercial laundromat and this location will serve as a sample. They need signage to advertise the business. One sign will face toward Main Street and one will face the parking lot. According to Mr. Houseknecht, the sign is similar in size to the previous sign for Payless Shoes.

2. Discussion and Action by the Board

Mr. Preston reported that the Genesee County Planning Board recommended approval because the sign is in the same location and similar to the one before.

Mr. Flynn observed that this area, though not technically a corner is situated similar to a corner, and Mr. Randall informed him that it is typically treated in the same way as a corner which allows for two signs.

Mr. Flynn asked if the size of the signs is within the allowable amount of wall space, and Mr. Randall said yes.

Mr. Preston asked about the lighting and Mr. Houseknecht answered that the sign is backlit.

Mr. Flynn asked if it is a retail business. Mr. Houseknecht said no, that the purpose of the business is to serve as an example to sell laundromats to other laundromat owners, but that it will also function as a regular laundromat.

MOTION: Mr. McGinnis moved to approve the application as proposed; the motion was seconded by Mr. Gray, and on roll call, was approved 5-0.

RESULT: Special Sign Permit approved.

- E. Placement of a 3.5 x 1.7 sq.' free standing sign in the north yard of this medical office building property located within the BID

Address: 176 Washington Avenue
Applicant: Andrew Hillburger, MD (occupant)
Actions: 1. Review application
2. Discussion and action by the board

1. Review Application

Mr. Preston read the summary of the proposal. Dr. Hillburger stated that he recently relocated his practice and he would like his patients to know where to find him. According to Dr. Hillburger, many of his patients are elderly and many others come from out of town. He observed that on his street there is an apparent problem with the numbers correlating to the correct buildings.

2. Discussion and Action by the Board

Mr. Flynn asked if the sign is lit and Dr. Hillburger said no. Mr. Preston asked if there were any spotlights. Dr. Hillburger said no.

Mr. McGinnis asked if there is any signage in the parking area. Dr. Hillburger replied that there is a temporary sign there now which will be removed once the new sign is installed. He noted that it will face Washington Avenue, but hopefully will also be visible from the parking lot. He added that it will be placed 5' away from the sidewalk.

Ms. Tabelski asked if people enter from the parking lot side. Dr. Hillburger answered yes. Ms. Tabelski clarified with Dr. Hillburger that people walk down the sidewalk and enter on the side of the building.

MOTION: Mr. McGinnis moved to approve the application as proposed; the motion was seconded by Mr. Flynn, and on roll call, was approved 5-0.

RESULT: Sign Permit approved.

- F. Special Sign Permit—Placement of a 4' x 6' interior lit wall sign on the south elevation of this commercial office use building. This new sign face will replace an existing sign face of the same size, in the same location and is reflective of the new business branding. The proposed sign is in addition to an already approved wall sign being placed on the west elevation (street frontage)

Address: 6 Ellicott Avenue
Applicant: Joseph Gerace (owner)
Actions: 1. Review application
2. Discussion and action by the board

1. Review Application

Mr. Preston read the summary of the proposal. Mr. Gerace explained that the sign is the same one that has always been there with just a different face to accommodate the change in name. He said that he did not realize that any time the name is changed on a sign, a new permit must be obtained.

2. Discussion and Action by the Board

Mr. McGinnis clarified that the only that has changed on the sign is the name.

MOTION: Mr. Gray moved to approve the application as proposed; the motion was seconded by Mr. McGinnis, and on roll call, was approved 5-0.

RESULT: Special Sign Permit approved.

- G. Special Sign Permits—Placement of three window signs on the south elevation of this business office use building located within a residential use district. A Special Sign Permit was approved by the PDC on 3/3/15 to replace a 24 sq.' wall sign on the south elevation of this building

Address: *119 Washington Avenue*

Applicant: Adam Lowder (sign contractor)

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

1. Review Application

Mr. Preston read the summary of the proposal. Mr. Lowder was not in attendance. The board set aside the application in the event that Mr. Lowder should make an appearance later in the meeting.

- H. Placement of a 9' wide x 8' tall free standing masonry sign structure with a 2.5' x 5.75' Notre Dame High School sign and 2.75' x 5.75' changeable text digital reader board type sign in the northeast yard of this school located in the R-1A residential use district

Address: *73 Union Street*

Applicant: John Borrelli (agent for Notre Dame School)

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

1. Review Application

Mr. Preston read the summary of the proposal. Mr. Borelli said that they currently have an old sign which requires the letters to be changed by hand. According to Mr. Borelli, Notre Dame would like to modernize the sign and beautify the corner. They will be able to change the new sign from inside the school.

2. Discussion and Action by the Board

Mr. Gray asked if the proposed sign is in the same location. Mr. Borelli responded that it is. Mr. McGinnis asked if the sign is similar to the one Robert Morris School formerly had. Mr. Borelli answered that it is.

Ms. Tabelski asked if the text will remain the same throughout the day and Mr. Preston asserted that the rule is that the sign can only be changed once per day.

Mr. McGinnis asked if there is any opposition from the neighbors regarding the sign. Mr. Borelli said that there are only two houses that will be able to see the sign and there has been no opposition.

Ms. Tabelski asked if the sign is turned off at night. Mr. Borelli replied that there is a sensor that causes the sign to dim at night. Mr. Borelli pointed out that the current sign is lit but because the glass is so distorted, the light is difficult to see. He also added that the proposed sign is the exact size as the current sign.

Mr. Flynn noted that sign is for a school in an R-1A district.

MOTION: Ms. Tabelski moved to approve the application as proposed with the stipulation that it does not flash, blink, rotate, or get changed more than once per day; the motion was seconded by Mr. McGinnis, and on roll call, was approved 5-0.

RESULT: Sign Permit approved.

- I. Special Sign Permit--Placement of a 4' x 6' unlit freestanding sign in the south yard of this multiple dwelling apartment complex located in the R-1 residential use district. This sign was previously approved by the PDC on September 18, 2012, with no conditions, but was never installed. The Special Sign Permit expired on September 16, 2013

Address: 335 Bank Street

Applicant: David Renzo (property manager)

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

1. Review Application

Mr. Preston read the summary of the proposal. He reported that the Genesee County Planning Board noted that the proposed sign is smaller than the current sign and recommended approval. According to Mr. Renzo, the current sign is 23 years old and a new sign that complies with Federal Housing Code requirements is needed.

2. Discussion and Action by the Board

Mr. Flynn asked about the size of the current sign. Mr. Renzo responded that the current sign is approximately 4' x 8' and the proposed sign is approximately 4' x 6'.

Mr. Gray asked if the proposed sign is similar in standing height to the current sign and Mr. Renzo answered that they are about the same.

Mr. McGinnis asked if the sign is just painted or if it has lights of some sort. Mr. Renzo said that the sign is painted.

MOTION: Mr. Gray moved to approve the application as proposed; the motion was seconded by Mr. Flynn, and on roll call, was approved 5-0.

RESULT: Special Sign Permit approved.

- J. Special Use Permit—change use of rear building on this parcel to establish the use of auto detailing, protection and accessories that include washing, waxing and shampoo, undercoating, sprayed on bed-lining, remote car starters, window tinting, vehicle graphics and films, truck accessories, such as tube steps and tonneau covers. This use by definition [BMC 190-3] is classified as a “Public Garage”—A building or part thereof used for the storage, hiring, selling, greasing, washing, servicing, or repair of motor vehicles, operated for gain

Address: 311-313 West Main Street

Applicant: Tony Mattiaccio (President/CEO of Monroe County Automotive Services Inc., prospective occupant)

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

1. Review Application

Mr. Flynn read the summary of the proposal.

2. Public Hearing and Discussion

Mr. Preston opened the public hearing. Mr. Mattiaccio said that they have been in business in Rochester since 1989 and have experienced tremendous growth. They have expanded east to Canandaigua and now are hoping to expand west to Batavia. Their intention is to service local car dealerships and the community. He noted that there is more than enough parking.

Mr. Flynn asked how many employees they have. Mr. Mattiaccio answered that when he bought the franchise in 1989, they had six employees, and now they have over 100. He said they will definitely be hiring in Batavia, possibly 10-15 employees in the next year or two.

Mr. Flynn asked what is in the front building and Mr. McGinnis asked if both buildings on the property would be use. Mr. Mattiaccio said that Direct TV will be moving out of the front building and he will be using both buildings. He explained that the front building will be the showroom and the rear building will be used for installations.

Mr. McGinnis asked if the business will be opening this summer and Mr. Mattiaccio said that it will but he is not sure of the exact timing.

Mr. McGinnis asked if the business will be open on Sundays. Mr. Mattiaccio stated that it will not. Mr. McGinnis noted that since the business will not be open on Sundays, he does not anticipate a conflict with the neighboring church.

Mr. Preston reported that the Genesee County Planning Board recommended approval of the proposal.

There was no correspondence or calls and no others who wished to speak. Mr. Preston closed the public hearing at 7:05 pm.

3. Action by the Board

MOTION: Mr. Flynn moved to approve the Special Use Permit contingent upon ZBA approval of the Area Variance. The motion was seconded by Ms. Tabelski, and on roll call, was approved 5-0.

RESULT: Approval of Special Use Permit contingent upon ZBA approval of Area Variance.

V. Other/New Business/Updates: Comprehensive Plan Review

Ms. Tabelski asked to be excused from discussion of the RFP (Request For Proposal) due to a potential conflict of interest. City Manager Jason Molino excused Ms. Tabelski until a consultant has been approved by City Council. Once a consultant has been selected, she will resume her position on the steering committee.

Mr. Molino praised the board on the uniformity of its decisions on the proposals presented to the board. He remarked on the challenges facing the board and noted the importance of maintaining consistency in the character of the community.

Mr. Molino had provided the board with copies of the RFP, along with two attachments which he called Exhibit A and Exhibit B. One attachment consisted of a Statement of Work for the Comprehensive Plan Update; the other document was a list of the different kinds of variances issued between 2012 and 2015, which had been compiled by Mr. Randall. Mr.

Molino did a synopsis of each section in the RFP and then gave the board an opportunity to ask questions about the process of selecting a consultant and developing the Comprehensive Plan update.

At this point, the board went back to the application for 119 Washington Avenue.

2. Discussion and Action by the Board

Mr. Flynn stated that he thinks the sign should be denied because it exceeds the maximum size allowed in an R-3 district, and approving the sign could set a precedent.

Mr. Gray noted that they already have one sign that exceeds the maximum size. He pointed out that in March a variance was issued for a 24 sq.' sign when only 2 sq.' is allowed.

MOTION: Mr. Flynn move to disapprove the application; the motion was seconded by Mr. Gray, and on roll call, was approved 4-0.

Votes in favor: 4 (Edward Flynn, Matthew Gray, Alfred McGinnis, Duane Preston)

RESULT: Disapproval of Special Sign Permit.

VI. Setting of Next Meeting: July 21, 2015

VII. Adjournment

Mr. Preston moved to adjourn at the meeting at 7:45 pm. Mr. Flynn seconded. All voted in favor.



Meg Chilano

Bureau of Inspection Clerk