

PLANNING & DEVELOPMENT COMMITTEE

MINUTES

July 19, 2016

6:00 pm

Council Board Room
One Batavia City Centre, Batavia NY

Members present: *Matthew Gray, Robert Knipe, Duane Preston, Rachael Tabelski*

Members absent: Edward Flynn, Marc Staley (Alt.)

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

I. Roll Call

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

II. Call to order

Mr. Preston called the meeting to order at 6:01 pm.

III. Previous Meeting Minutes

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

RESULT: Approval of June 28, 2016 meeting minutes.

IV. Proposals

Mr. White was not in attendance for the second time. The board decided to wait to see if Mr. White showed up. They voted on the second application first, and then came back to *59 Lyon St.* at a later point.

- A. Addition of a driveway to the southeast portion of this property by placing pavers and loose stone to form a 16' wide x 60' long area for parking. This would be in addition to the existing 12' wide asphalt driveway in the northeast portion of this property

Address: *59 Lyon St.*

Applicant: Randy White (owner)

- Actions:
1. Remove application from table
 2. Review application
 3. Public hearing
 4. Discussion and recommendation to the ZBA

1. Remove Application from the Table

MOTION: Ms. Tabelski moved to remove the application from the table; the motion was seconded by Mr. Gray, and on roll call, was approved 4-0.

RESULT: Application removed from table.

2. Review Application

Mr. Preston summarized the proposal. The property at 59 Lyon is actually comprised of two parcels. The Genesee County Planning Board recommended for the two parcels to be merged before making a decision.

Mr. Knipe asked if the merger is an issue and Mr. Randall responded that it is. He explained that the parcels must be merged in order for the applicant to use the space for parking, which is considered an accessory use and not a principle use.

3. Public Hearing

Mr. Gray noted that Mr. White has now failed to appear for the second time, and that considering that members of the public wished to speak regarding the project, the board should open a public hearing.

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

RESULT: Public hearing opened.

James Wierda, 57 Lyon St., spoke in opposition to the project. He said that he objects to the addition of another driveway because it will make his view from his front window and his porch look like a parking lot, and further, it will not improve the look of the neighborhood. He commented that he would not mind as much if Mr. White installed a fence that went to the sidewalk.

Mr. Gray asked how far away the driveway is from Mr. Wierda's house and he answered 6-8'. Mr. Wierda noted that the curb cut is on his property, but there is no curb cut for the space where the residents of 59 Lyon St. park. He said that when they exit the area where they park, they are using his property.

Mr. Knipe asked if a fence that extended to the sidewalk would impede visibility and Mr. Randall responded that it would. Mr. Randall said that starting from the front property line and extending back 15', a fence can only be 3' high.

Mr. Preston asked if Mr. Wierda would think differently about the project if the driveway is made from asphalt rather than stone. Mr. Wierda pointed out that the space will still look like a parking lot. Mr. Wierda said that even though only three people live at 59 Lyon St., they have many vehicles.

Ms. Tabelski asked for clarification of the driveway at 59 Lyon St. They already have a black-top driveway that extends to the garage.

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

RESULT: Public hearing closed.

4. Discussion and Recommendation to the ZBA

Ms. Tabelski said she thinks the amount of overage in the size of the driveway is too great. She also noted that the fact that the applicant would be turning a large portion of the front

yard into a second driveway, creating negative consequences for the neighborhood. Mr. Knipe agreed. Ms. Tabelski added that she believes the need for this variance is self-created because the applicant has an existing driveway which can accommodate a number of vehicles, along with a garage.

MOTION: Ms. Tabelski moved to recommend disapproval to the ZBA; the motion was seconded by Mr. Gray, and on roll call, was approved 4-0.

RESULT: Recommend disapproval to the ZBA.

- B. Special Sign Permit: placement of two 15.64' x 1.5' window signs on the north elevation of this commercial building located within the BID

Address: 85-89 Main St.

Applicant: Ken Mistler (owner)

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

1. Review Application

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

Mr. Mistler explained that this application represents a change in size from the previous one.

2. Discussion and Action by the Board

Mr. Preston asked if there were any other changes. Mr. Mistler responded that he would like to add a small awning to the side of the building.

Mr. Preston asked if the amount of seating changed and Mr. Mistler said no.

Ms. Tabelski asked if there are exits for the patio other than the one through the restaurant. Mr. Mistler answered that there is one on the side.

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

RESULT: Special Sign Permit approved.

- C. Special Sign Permit: placement of a 30" x 25" window sign on the entrance door; one window mural to cover the entire window surface on the north elevation's west side; and one painted wall mural on the east elevation on the north corner of this commercial building located within the BID

Address: 206 East Main St.

Applicant: Vic Marchese (owner)

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

1. Review Application

Mr. Marchese was not in attendance.

2. Discussion and Action by the Board

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

RESULT: Special Sign Permit tabled.

- D. Minor Subdivision: Division of this property into two separate parcels, one of which will be 9,278.28 sq., containing an existing commercial building, and the other containing 26,266.68 sq. of vacant land

Address: 3-9 Webster Ave.

Applicant: David M. Pero (owner)

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

1. Review Application

Mr. Preston summarized the proposal. Mr. Pero explained that there is nothing going on with the property; he is just subdividing it.

2. Discussion and Action by the Board

Ms. Tabelski asked if there is a business on the property, and Mr. Pero clarified that the property is the location for Trash Away, the business owned by his sons.

MOTION: Ms. Tabelski moved to make the PDC the lead agency to conduct SEQR; the motion was seconded by Mr. Knipe, and on roll call, was approved 4-0.

RESULT: PDC lead agency to conduct SEQR.

Mr. Preston asked if the board had reviewed the SEQR application and they indicated they had.

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

RESULT: Negative declaration of SEQR

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

RESULT: Minor Subdivision approved.

- E. Sign Permit: placement of one 2' 8" x 17' 10" interior lit wall sign on the north elevation and one 2' x 13' 5" interior lit wall sign on the south elevation of this commercial building located within the BID

Address: 69-71 Main St.

Applicant: Michael Mammano (sign company agent)

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

1. Review Application

Mr. Preston summarized the proposal and reported that the Genesee County Planning Board recommended approval. Mr. Mammano explained that he intends to remove the existing sign and replace it with the same kind of sign. The only difference is that the new version will say "Key Bank."

2. Discussion and Action by the Board

Ms. Tabelski noted that even though she supports approval of the sign and the Genesee County Planning Board recommended approval, the sign is, nevertheless, a nonconforming sign in the BID district.

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

RESULT: Special Sign Permit approved.

- F. Widen an existing 13.66' wide asphalt driveway by placing 2.34' of asphalt to the south side of the existing driveway

Address: *28 Trumbull Pkwy.*

Applicant: Jason Forkey (owner)

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

1. Review Application

Mr. Preston summarized the proposal. Mr. Forkey explained that there is a retaining wall at the beginning of the driveway and the driveway is narrow at the bottom part. The driveway widens as it approaches the garage. Mr. Forkey said that he would like to widen the lower part of the driveway to make it even with the upper part.

2. Discussion and Recommendation to the ZBA

Mr. Gray asked if the retaining wall was in place before Mr. Forkey bought the property and he answered yes. He explained that the retaining wall is falling apart and that he has already purchased a new one to install.

Mr. Gray asked if the extension to the driveway would put it near the front of the house and Mr. Forkey responded that it would not.

MOTION: Ms. Tabelski moved to recommend approval of the application to the ZBA; the motion was seconded by Mr. Knipe, and on roll call, was approved 4-0.

RESULT: Recommend approval to the ZBA.

- G. Special Sign Permit: placement of two unlit wall signs on the north elevation of this commercial building located within the BID

Address: 230 Ellicott St.
Applicant: Steve Fairbanks (sign contractor)

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

1. Review Application

Mr. Fairbanks was not in attendance.

2. Discussion and Action by the Board

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

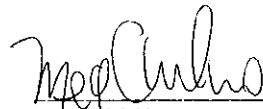
RESULT: Special Sign Permit was tabled.

V. Other/New Business/Updates

VI. Setting of Next Meeting: August 16, 2016

VII. Adjournment

Mr. Knipe moved to adjourn the meeting at 6:35 pm; the motion was seconded by Ms. Tabelski. All voted in favor.



Meg Chilano
Bureau of Inspection Clerk