

PLANNING & DEVELOPMENT COMMITTEE

MINUTES

November 15, 2016

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

Members present: *Edward Flynn, Matthew Gray, Robert Knipe, Marc Staley (left at 6:30 pm), Rachael Tabelski*

Members absent: 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 Acting Chairman Edward Flynn declared a quorum.

II. Call to order

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

III. Previous Meeting Minutes

MOTION: Ms. Tabelski moved to approve the minutes from the last two meetings; the motion was seconded by Mr. Knipe, and on roll call, was approved 5-0.

RESULT: Approval of September 20, 2016 and October 18, 2016 meeting minutes.

IV. Proposals

- A. “Restricted Residential Use” Special Use Permit: creation of seven dwelling units above the first floor in this existing commercial use building being repurposed for use as a mixed use building containing a brewery, restaurant, and fresh lab concession space on the first floor

Address: *109-111 Main St.*

Applicant: Matthew Moscati, RA (architect for the owner)

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

1. Review Application

Mr. Flynn reported that the Batavia Development Corporation was the lead agency to conduct SEQR and it has been completed.

Nick Ryder, project manager for the proposed development, explained that the Special Use Permit is for seven dwelling units to be created on the second and third floors of the building. The first floor and basement will contain a fresh lab and USDA supported restaurant incubator.

Mr. Staley asked if the apartments are one- and two-bedroom units and Mr. Ryder said yes.

Mr. Flynn asked if there is a parking plan in place. Mr. Ryder responded that they are working with the City Manager's office to develop a plan that would allow parking at the Center St. lot or Court and Jackson St. lot with the purchase of an annual permit.

Mr. Flynn asked if there will be any exterior changes. Mr. Ryder answered that the historic character of the exterior will be maintained. The exterior will be cleaned and a deteriorated awning will be removed. He added that the new lighting and signage will make use of historically accurate fixtures.

Mr. Staley asked if there would be a rear entrance into Jackson Square. Mr. Ryder said that that the rear entrance would be used in the summer as an alternate means of entrance and egress for easy access to the Jackson Square festivities.

Mr. Flynn asked if the units will be market rate and Mr. Ryder said yes.

According to Mr. Ryder, a company specializing in historical preservation has been hired to help integrate the historical elements into the design.

2. Public Hearing

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

Votes in favor: 4 (Edward Flynn, Robert Knipe, Marc Staley, Rachael Tabelaiki)

Votes opposed: 0

Votes abstained: 0 (Matt Gray)

RESULT: Public hearing opened at 6:08 pm.

Julie Pacatte, BDC, spoke in support of the project.

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

Votes in favor: 4 (Edward Flynn, Robert Knipe, Marc Staley, Rachael Tabelaiki)

Votes opposed: 0

Votes abstained: 1 (Matt Gray)

RESULT: Public hearing closed at 6:11 pm.

3. Discussion and Action by the Board

Mr. Flynn pointed out that the project is the kind of mixed use development the City wants to see downtown.

Votes in favor: 4 (Edward Flynn, Robert Knipe, Marc Staley, Rachael Tabelaiki)

Votes opposed: 0

Votes abstained: 1 (Matt Gray)

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

RESULT: Special Use Permit approved.

- B. Special Sign Permits: placement of three window signs, two on the north elevation and one on the west elevation of this commercial building located within the general commercial district

Address: 311-313 West Main St.
Applicant: Zach Mattiaccio (agent for Ziebart's)

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

1. Review Application

Mr. Flynn summarized the proposal. He reported that the Genesee County Planning Board recommended approval. Mr. Flynn noted that a Special Sign Permits are needed because they exceed the maximum space allowed.

2. Remove from the Table

MOTION: Ms. Tabelaiki moved to remove the application from the table; the motion was seconded by Mr. Gray, and on roll call, was approved 5-0.

RESULT: Application removed from table.

Vincenzo Carange, general manager of Ziebart's, spoke on behalf of the applicant. Mr. Carange explained that the sun shines directly through the store windows in the morning and the signs help shield those inside from the glare. He noted that despite the signs in the front window, visibility inside and outside is still clear.

3. Discussion and Action by the Board

Mr. Flynn asked if three windows in the front and one on the side are completely covered. Mr. Carange answered that they are.

Mr. Carange said that customers complain about the sun while waiting for their vehicles to be serviced.

MOTION: Mr. Gray moved to approve the application; the motion was seconded by Mr. Staley, and on roll call, was approved 4-1.

Votes in favor: 4 (Matt Gray, Robert Knipe, Marc Staley, Rachael Tabelaiki)

Votes opposed: 1 (Edward Flynn)

Votes abstained: 0

RESULT: Special Sign Permits approved.

- C. Placement of a 10' x 2' unlit freestanding sign in the southwest lawn of this large-scale multifamily residential development located within the R-1 residential use district

Address: 337-355 Bank St.
Applicant: David Van Der Woude (Senior Project Manager)

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

1. Review Application

Mr. Flynn summarized the proposal. Mr. Van Der Woude explained that the current sign is old and they wish to update it with a phone number and web address.

2. Discussion and Action by the Board

Mr. Flynn asked if the proposed sign will be the same size as the existing sign and Mr. Van Der Woude said that the new sign will go directly over the old one.

Mr. Gray asked about lighting and Mr. Van Der Woude answered that there is no lighting.

MOTION: Ms. Tabelski moved to approve the sign; the motion was seconded by Mr. Staley, and on roll call, was approved 5-0.

RESULT: Sign Permit approved.

D. Special Sign Permit: Placement of one per side, three total, interior lit signs on the north, west, and east elevations of the roof structure of this commercial building located within the general commercial district

Address: 425A West Main St.

Applicant: Saed Shafie (sign contractor)

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

1. Review Application

Mr. Flynn summarized the proposal. Currently, there is signage on all four sides of the roof from the previous business, which Metro Mattress wants to replace with its own signs. Mr. Shafie said that the building is uniquely situated at the entrance to the plaza and can be viewed from all directions, so they would like signs on each elevation. According to Mr. Shafie, it would be difficult to see signs if they were placed any lower.

2. Discussion and Action by the Board

Mr. Flynn asked if they had considered freestanding signs and Mr. Shafie responded that signs of that type would not work at this location.

Mr. Flynn asked about a wall sign and Mr. Shafie pointed out that there are a lot of windows and not much wall space.

Mr. Flynn asked what the signs are like. Mr. Shafie described them as illuminated box type. Mr. Flynn asked if they are keeping the current boxes and Mr. Shafie said no.

Ms. Tabelski observed that this building constructed differently from the others in the plaza and there is no other place to put signage than on the roof area. She also noted that Mr. Shafie would just be replacing a sign already in place.

MOTION: Ms. Tabelski moved to approve all three signs; the motion was seconded by Mr. Staley, and on roll call, was approved 3-0.

Votes in favor: 3 (Matt Gray, Marc Staley, Rachael Tabelski)

Votes opposed: 2 (Edward Flynn, Robert Knipe)

Votes abstained: 0

RESULT: The Genesee County Planning Board recommended approval of the application with the modification that only the one sign on the roof is allowed. The PDC failed to approve the application with a super majority, therefore, the County Planning Board's recommendation stands. (Confirmed by the City attorney.)

- E. Use Variance: Construction of a two story, two family dwelling on his vacant parcel located within the R-1 residential use district

Address: 151 Oak St.

Applicant: Fred Mruczek through Michael Del Plato, Esq.

Actions: 1. Review application
2. Discussion and recommendation to the ZBA
3. Sketch Plan Review

Applicant was not in attendance.

MOTION: Mr. Gray moved to table the application; the motion was seconded by Mr. Knipe, and on roll call, was approved 5-0.

RESULT: Application tabled.

- F. City Council has requested the Planning and Development Committee review the present sign code section of the Batavia Municipal Code and prepare changes to that code that would include regulations specific to electronic message boards. PDC discussion have led to a draft that changes the code section substantially and requires recommendation to the City Council

Regarding: Sign Code Changes

Actions: 1. Review sign code
2. Public hearing
3. Discussion and recommendation to City Council

1. Review Sign Code

City Manager, Jason Molino, outlined the process of sign code revision which began in March. As they started on the sign code revision, the Planning and Development Committee quickly realized that tweaking one little section of the sign code would not work, but that a total revamp was required. The PDC accomplished this task with the assistance of Genesee County Planning Director, Felipe Oltramari.

The new sign code is easy to read, simplified, clearly defined, and has pictures to aid with interpretation. There is not much change in terms of substance, although there is some expansion of certain types of signs. Also, a functionality aspect of electronic signs has been added in zones where the use of electronic signs is authorized.

A step in the approval process for signs in the C-3 district has been eliminated. If the sign meets the parameters of the sign code, approval can come from the Code Office instead of the PDC, simplifying the approval process. Special Sign Permits have been eliminated. If an

applicant wants something outside the code, they can seek a variance from the Zoning Board of Appeals.

2. Public Hearing

MOTION: Mr. Gray moved to open the public hearing; the motion was seconded by Ms. Tabelski, and on roll call, was approved 4-0. (Change in number of votes reflects Mr. Staley's departure from the meeting.)

RESULT: Public hearing opened at 6:32 pm.

Guy Clark, Cedar Street Rentals, spoke regarding the sign code changes. Mr. Clark noted that he previously appeared before the board with a request to allow the frequency of the message on the electronic reader board to be changed to 45 seconds. He would like to see the frequency changed from the one hour specified in the code changes to a few seconds.

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

RESULT: Public hearing closed at 6:35 pm.

Mr. Randall pointed out that the new sign code will still prohibit digital text signs in areas not on state routes (with the exception of downtown), even existing signs such as Cedar Street Rental's.

MOTION: Mr. Gray moved to send the sign code changes to City Council; the motion was seconded by Ms. Tabelski, and on roll call, was approved 4-0.

RESULT: Sign Code Changes referred to City Council.

V. Other/New Business/Updates: approval of 2017 meeting dates

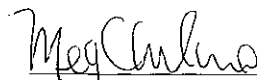
MOTION: Mr. Gray moved to approve the application; the motion was seconded by Mr. Knipe, and on roll call, was approved 4-0

RESULT: 2017 meeting dates approved.

VI. Setting of Next Meeting: December 13, 2016 (Meeting was later changed to December 14, 2016)

VII. Adjournment

Mr. Preston moved to adjourn the meeting at 8:01 pm; the motion was seconded by Ms. Tabelski. All voted in favor.



Meg Chilano

Bureau of Inspection Clerk