

# PLANNING & DEVELOPMENT COMMITTEE

## *MINUTES*

**December 14, 2016**

**6:00 pm**

Council Board Room

One Batavia City Centre, Batavia NY

Members present: *Edward Flynn, Matthew Gray, Robert Knipe, Rachael Tabelski (arrived at 6:08 pm), Duane Preston*

Members absent: Marc Staley (Alt.)

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 6:04 pm.

### **III. Previous Meeting Minutes**

**MOTION:** Mr. Knipe moved to approve the minutes from the last meeting; the motion was seconded by Mr. Gray, and on roll call, was approved 3-0-1.

Votes in favor: 3 (Edward Flynn, Matt Gray, Robert Knipe)

Votes opposed: 0

Votes abstained: 1 (Duane Preston)

**RESULT: Approval of November 15, 2016 meeting minutes.**

### **IV. Proposals**

Recommendation to the ZBA for Use Variance: construction of a two story, two family dwelling on this vacant parcel located within the R-1 residential use district

Address: *151 Oak St.*

Applicant: Estate of Adolph Mruczek through Michael Del Plato, Esq.

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

#### **1. Remove Application from the Table**

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

**RESULT: Application removed from the table.**

## **2. Review Application**

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

Mr. Del Plato spoke on behalf of the estate. He explained that when the property was purchased in 1981 by Mr. Adolph Mruczek, the intention was to construct a duplex on the parcel, which the zoning at that time permitted. For various reasons, Mr. Mruczek never carried out the project. The zoning changed in 1999, and the property was listed for sale. Mr. Fred Mruczek would now like to purchase the parcel from the estate and construct a duplex. Mr. Del Plato submitted an analysis indicating that only a multiple resident structure would provide a reasonable profitable return on the investment. Therefore, Mr. Mruczek needs a zoning variance.

## **3. Discussion and Recommendation to the ZBA**

Mr. Preston asked if the dwelling would look the same as the photograph provided in the packet of materials. Mr. Mruczek said that it would. He pointed out that the house is the same as the one he constructed on River St.

Mr. Knipe asked if Mr. Mruczek intended to put in two driveways. Mr. Mruczek responded that he would like to.

Mr. Flynn noted that it is the PDC's job is to make a recommendation to the ZBA based on whether or not they believe the purpose is compatible with the neighborhood. He said that they need to determine if allowing doubles in R-1 districts is a good thing for the City. Mr. Mruczek answered that he believes his buildings enhance the neighborhood. They are well constructed and maintained, and he has good tenants. Mr. Del Plato added that while having this type of housing may not be advisable for every neighborhood, in this particular case a duplex is a good option.

Mr. Flynn related that this discussion had just come up in a meeting regarding the comprehensive plan update and the master plan for the City and that the general consensus was that it would not be desirable to change the R-1 zoning into a higher density use.

Ms. Tabelski pointed out that the discussion also included talk about how Oak St. is one of the gateways into the City and needs to be cleaned up, and how it might be possible that this particular project could enhance the area even though it is outside the definition of the R-1 make the area look neater and cleaner.

Mr. Gray noted that there are two other duplexes on the same side of the street between Union St. and Richmond Ave.

Mr. Flynn asked if Mr. Mruczek has considered subdividing the lot and selling to neighbors and Mr. Mruczek answered that the parcel has been for sale for a long time and no one has shown any interest in purchasing the property.

Mr. Knipe asked if anyone knew the rationale behind the 1999 zoning change. Mr. Flynn answered that there were too many multi-family houses and problems with vacancies in the

City, so the zoning was changed to protect the residential neighborhoods that were already established.

Mr. Flynn asked about the rental fees and Mr. Mruczek said \$1200-\$1300.

**MOTION:** Mr. Knipe moved to recommend approval of the project to the ZBA; the motion was seconded by Ms. Tabelski, and on roll call, was approved 5-0.

**RESULT: Recommendation to ZBA to approve Use Variance.**

#### **4. Sketch Plan Review**

Mr. Knipe observed that with a lot 80' in depth it would be possible to have a single driveway with parking in the rear. Mr. Flynn agreed and said he would like to maintain the look of a single family house.

Mr. Mruczek said that he prefers that each apartment have its own driveway. Mr. Del Plato added that two driveways, one on each side of the building, would leave the rear open for a patio.


Mr. Gray asked if two 14' driveways for a total of 28' would require a separate variance, and Mr. Randall answered that it would.

**V. Other/New Business/Updates:** none

**VI. Setting of Next Meeting:** January 17, 2017

#### **VII. Adjournment**

Ms. Tabelski moved to adjourn the meeting at 6:46 pm; the motion was seconded by Mr. Flynn. All voted in favor.

  
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Meg Chilano  
Bureau of Inspection Clerk