

# PLANNING & DEVELOPMENT COMMITTEE

## *MINUTES*

**March 21, 2017**

**6:00 pm**

Council Board Room  
One Batavia City Centre, Batavia NY

Members present: *Edward Flynn, Robert Knipe, Duane Preston*

Members late: Marc Staley

Members absent: Matthew Gray, Rachael Tabelski

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. Three members were present and Chairman Duane Preston declared a quorum. [Mr. Staley arrived at 6:15 pm.]

### **II. Call to order**

Mr. Preston called the meeting to order at 6:09 pm.

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

There were no corrections to the minutes. Mr. Preston assumed the motion and minutes were approved by unanimous consent.

**RESULT: Approval of January 17, 2017 and February 21, 2017 meeting minutes.**

### **IV. Proposals**

- A. Petition for City Council to amend the zoning of these parcels from I-1 industrial to R-3 residential

Address: *661 and 665 East Main St.*

Applicant: DePaul Properties (purchaser)

Amend this parcel along with 661 and 665 East Main St. Currently, 679 East Main St. is zoned R-2; however, the current use is considered a non-conforming use. Changing the zoning to R-3 would bring the property into a conforming use.

Address: *679 East Main St.*

- Actions:
1. Review application
  2. Public comment
  3. Discussion and recommendation to City Council

#### **1. Review Application**

Mr. Preston read the summary of the proposal. He also read the Genesee County Planning Board recommendation for approval of the zoning change to R-3. He noted that support for

the project was expressed at the public hearing held on February 21, 2017, as well as at the Comprehensive Plan Update Open House on February 28, 2017.

Ashley Champion, attorney for Nixon Peabody, spoke on behalf of DePaul.

Mr. Flynn asked her to explain why she thinks the DePaul project is compatible with the proposed R-3 zone. She answered that the proposed Comprehensive Plan Update currently under review specifically calls for neighborhood/commercial type uses in this corridor, which includes multifamily/residential uses like DePaul. She pointed out that a multifamily development is adjacent to the proposed DePaul project.

## **2. Public Comment**

Mr. Preston opened the floor for public comments.

## **3. Discussion and Recommendation to City Council**

Mr. Preston commented that it is the PDC's task to make a decision on the appropriate land use in this case.

Mr. Flynn noted that the Planning and Development Committee is part of the Comprehensive Plan committee and the committee recommended neighborhood/commercial for that zone.

**MOTION:** Mr. Flynn moved to recommend that the zone be changed to C-2 commercial district; the motion was seconded by Mr. Knipe, and on roll call, was approved 4-0. Mr. Randall asked if the recommendation included all three parcels, and the board confirmed that it did.

**RESULT: Recommendation to City Council to amend the zoning of 661 and 665 from I-1 industrial to C-2 commercial, and 679 East Main St. from R-2 residential to C-2 commercial.**

### **B. Exterior changes to this building located within the BID**

Address: 44 Main St. (Wendy's)  
Applicant: Irma Reiner (agent for Wendy's)

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

#### **1. Review Application**

Mr. Preston read the summary of the application. Rick Counsel spoke on behalf of Wendy's. He said that the project would consist of a face lift and interior remodel, with a new sign package.

#### **2. Discussion and Action by the Board**

Mr. Flynn asked about the parking area, and Mr. Counsel said it would be sealed and repaved.

Mr. Knipe asked if the configuration of the parking lot and drive through would change, and Mr. Counsel answered no.

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

**RESULT: Application approved.**

C. Two applications to change the present uses of this existing mixed use building located within the R-3 residential district

Use Variance: change the second floor use from a permitted single dwelling unit to a land surveyor's office

Special Use Permit: change the first floor use from a physician's office to an attorney's office

Address: *115 Washington Ave.*

Applicant: Robert Gerace (real estate agent for owner)

- Actions:
1. Review application
  2. Discussion
  3. Recommendation to the ZBA regarding Use Variance
  4. Special Use Permit

**1. Review Application**

Mr. Preston read the summary of the application.

**2. Discussion**

Robert Gerace spoke on behalf of the project. He noted that by only allowing three specific professions in the Code, the use of the property is unfairly limited.

Mr. Knipe asked if there is handicapped access to the upper apartment. Mr. Gerace responded that there is no handicapped access to the upper office. He said that the upper office will be private and not visited by clients. The lower apartment has handicap access and available parking in the rear.

**3. MOTION:** Mr. Flynn moved to recommend approval of the Use Variance to the ZBA; the motion was seconded by Mr. Staley, and on roll call, was approved 4-0.

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

**4. MOTION:** Mr. Flynn moved to table the Special Use Permit; the motion was seconded by Mr. Preston, and on roll call, was approved 4-0.

**RESULT: Special Use Permit application tabled.**

D. Sketch plan review

Address: 552, 554, and 556 East Main St.

Applicant: Eric Schaaf (Marathon Engineering)

Actions: Review plans

Applicant will return with a second sketch plan review after consideration of the PDC's recommendations.

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

VI. **Setting of Next Meeting:** April 25, 2017

VII. **Adjournment**

Mr. Flynn moved to adjourn the meeting at 7:46 pm; the motion was seconded by Mr. Staley. All voted in favor.



Meg Chilano

Bureau of Inspection Clerk