

PLANNING & DEVELOPMENT COMMITTEE

MINUTES

July 18, 2017

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

Members present: *Matt Gray, Tammy Hathaway, Robert Knipe, Duane Preston, Marc Staley*

Members absent: Edward Flynn

Others present: Meg Chilano – Recording Secretary, Jason Molino – City Manager, Doug Randall – Code Enforcement Officer, Matt Worth – Director of Public Works

I. Roll Call

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

II. Call to order

Mr. Preston called the meeting to order at 6:05 pm.

III. Previous Meeting Minutes

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

RESULT: Approval of June 20, 2017 meeting minutes.

IV. Proposals

A. Recommendation to the City Council regarding the Comprehensive Plan Update

- Actions:
1. Public Hearing
 2. Discussion and recommendation to the City Council

1. Public Hearing

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

RESULT: Public hearing opened at 6:06 pm.

City Manager Jason Molino opened his presentation of the Comprehensive Plan Update by describing the process of its development. The process began with a Cleaner Greener Communities grant awarded by NYSERDA, which allowed the Steering Committee to hire Elan Consulting to lead the development process. It was a longer process than a typical update; however, considering that the current document is 20 years out of date, it is practically a new plan.

The Steering Committee conducted a large amount of public outreach with multiple access points for input regarding the plan, which consisted of:

- many focus group meetings with business owners, stakeholders and agency representatives
- two open houses
- feedback from Facebook page survey responses
- information from existing plans
- census data
- information from planning studies

Mr. Molino explained that one goal of the plan is to set the stage to attract new residents. It is also important to improve the quality of housing stock, and to make it easier for businesses to thrive.

A new Land Use Plan resulted from the development of the plan. At one time, a Comprehensive Plan was basically the same thing as a Land Use Plan. Over time, however, the Comprehensive Plan morphed into the Strategic Plan process and became something not just limited to land use.

As the Steering Committee considered what land use zones would best trigger development in various areas of the city, they came to realize that the traditional method of zoning is antiquated; it is sometimes hard to develop according to its principles. They discovered that there has been a shift toward form-based code. While traditional code creates zones according to use, form-based code is based on esthetics and appearance, which lends itself to be of more interest to investors.

The Comprehensive Plan Update models some land use changes which will lay a foundation for some code changes, thereby creating more versatile uses.

Three values statements derived from the Comprehensive Plan Update process: Resilient, Dynamic, and Prosperous. Defining what these concepts meant guided the development of the resultant recommendations.

Recommendations according to the Resiliency Statement include:

- Adopt a Complete Streets policy to coordinate development
- Create a bikeable city
- Build a better sidewalk network
- Low-impact development in parks and open spaces to minimize stormwater run-off
- Create a tree management plan
- Re-imagine the floodplain

Recommendations according to the Dynamic Statement include:

- Develop a historic resources inventory
- Focus on public spaces
- Create a more open downtown
- Focus on investment in the city

Recommendations according to the Prosperous Statement include:

- Continue to develop the Business Opportunity Area
- Update the zoning code consistent with the new Land Use Map
- Improve housing quality
- Bring value back to neighborhoods

Mr. Molino explained that if the PDC is satisfied with the plan, the next step is to recommend it to City Council. Council will conduct their own public hearing, complete SEQR, and possibly consider adoption at the September 11 meeting.

Al McGinnis, 15 Vernon Ave., praised the plan and said it was an outstanding job, as well as a step forward for the City. He suggested looking at the zoning of individual properties.

John Roach, 116 Grandview Ter., noted that the current plan is outdated and praised the updated version. He expressed concern over the zoning of East Main St. He wanted the board to encourage City Council to leave the area zoned as I, and not make any changes that would allow DePaul to develop there.

Jeremy Rowley (owns property in the City) praised the plan.

Beth Carr expressed concern over the lack of recommendations for specific properties to be designated as historic.

Mr. Molino addressed this last issue by pointing out the recommendation in the Comprehensive Plan Update for a historical inventory. He noted that while no specific designations were recommended, the historical inventory marks the beginning of the process for designation to occur.

MOTION: Mr. Staley moved to close the public hearing; the motion was seconded by Mr. Gray, and on roll call, was approved 5-0.

RESULT: Public hearing closed at 6:26 pm.

2. Discussion and Recommendation to the City Council

All board members spoke on behalf of the project and expressed their desire for the City Council to vote in favor of adopting the Comprehensive Plan Update.

MOTION: Mr. Gray moved to recommend to City Council approval of the Comprehensive Plan Update as presented; the motion was seconded by Mr. Knipe, and on roll call, was approved 5-0.

RESULT: Recommendation to the City Council for approval of the Comprehensive Plan Update.

- B. Recommendation to the ZBA for an area variance to widen an existing 20' wide driveway by placing 10' of Portland cement to the southwest side of the existing driveway

Address: 23 Meadowcrest Dr.

Applicant: Dennie Loungheed (owner)

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

1. Review Application

Mr. Preston read the summary of the proposal. Mr. Lounghed said that he would like to widen the driveway because every time he tries to move his camper, it gets stuck in the mud.

2. Discussion and Recommendation to the ZBA

Mr. Preston asked if there is asphalt on the driveway and Mr. Lounghed said that there is.

Mr. Knipe asked what is under the camper and Mr. Lounghed replied that it is dirt.

Mr. Knipe asked if Mr. Lounghed has considered off site storage for the camper during the winter. Mr. Lounghed responded that he has done so in the past but damages have occurred.

Mr. Preston asked if any of the new section would be in the front and Mr. Lounghed answered that it would all be at the side.

MOTION: Mr. Staley moved to recommend approval of the application to the ZBA; the motion was seconded by Mr. Preston, and on roll call, was approved 4-1-0.

Votes in favor: 4 (Matt Gray, Tammy Hathaway, Duane Preston, Marc Staley)

Votes opposed: 1 (Robert Knipe)

Votes abstained: 0

RESULT: Recommendation to the ZBA for approval of the Area Variance.

- C. Removal of two existing porches and construction of one new 6' x 16' wood frame deck along the south elevation and one 8' x 16' wood frame deck at the northwest corner of this non-conforming use, one family dwelling located in the BID

Address: *319 Ellicott St.*

Applicant: Brad Trzecieski (owner)

- 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 recommended approval of the project. Brian Wormley, contractor for the project, said that the owner is willing to put money into repairs for this property because he also owns the commercial property directly to the west

2. Discussion and Action by the Board

Mr. Gray asked if the deck would be the same distance from the property line and Mr. Wormley responded that the width would be the same. He also explained that the front porch is directly beneath a roof, and the new deck will not extend beyond that roof.

Mr. Preston asked if the work on the rest of the house is complete and Mr. Wormley answered that the only work remaining is the decks.

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

D. Site plan review, Special Use Permit, and recommendation to the ZBA to clear three parcels and erect a high rise apartment building

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

Applicant: Adam Driscoll, Home Leasing LLC (developer)

- Actions:
1. Review application
 2. Public hearing
 3. SEQR
 4. 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 recommended approval with modifications:

- Obtain approval from SHPO (State Historic Preservation Office)
- Obtain driveway permit from NYSDOT (New York State Department of Transportation)
- Submit 911 address verification to Genesee County Sheriff's Office

Matt Tomlinson, Project Manager for Marathon Engineering, addressed the recommended modifications. He explained that approval from SHPO is a requirement before building, and the NYSDOT has the concept review for the access point. He noted that the permit cannot be obtained from the NYSDOT without approval of the site plan, and recommended that the PDC make their approval of the site plan contingent upon obtaining the permit.

In reference to the functionality of parking, which had been discussed at the previous PDC meeting, Mr. Tomlinson provided a study on the relative demands of parking at the facility.

Eagle Star Housing, working in partnership with Home Leasing, manages the veteran housing aspect of the apartment building. Zach Fuller, Executive Director of Eagle Star Housing, described the services that will be available to the veterans housed in 17 of the 55 units, such as, full-time case managers and van transportation.

2. Public Hearing

MOTION: Mr. Preston moved to open the public hearing; the motion was seconded by Mr. Gray, and on roll call, was approved 5-0.

RESULT: Public hearing opened at 6:56 pm.

Jeremy Rowley explained that he has an interest in the project because not only is he an investor in the City, but also, his brother is a veteran. He said that this project is needed and adds a lot of value to the community.

Bill Fritts spoke in support of Eagle Star Housing. He said that he has been through their other facilities and appreciates the services they provide to veterans. He believes there is a need for this type of veteran housing and expressed enthusiasm for the project.

Terry Fritts spoke about the need to respect and assist veterans when they return from serving their country. She expressed support for this project and noted the advantages of its proximity to a wealth of services.

Pat Smith, eldest of the Mossman children (current owners of the property), spoke in support of the project on behalf of her family. She said that they are happy with the affordable housing aspect of the project, but the veteran housing pleases them the most. She described how Mr. Driscoll, developer for Home Leasing, treated not only her parents with great respect as he answered their questions, but also treated the neighbors respectfully as he went door to door explaining the project.

Michael Grammatico, long-time resident of Batavia and Vice President of the Eagle Star board, spoke about how well the organization is run and administered and asked for support of a worthy project and housing for veterans in general.

Matt Florian, former employee of Eagle Star Housing, spoke in support of the services Eagle Star Housing provides for veterans.

Frank Ryan pointed out that though 17 units are specifically designated for veteran use, the entire facility is open to veterans.

MOTION: Mr. Preston moved to close the public hearing; the motion was seconded by Mr. Knipe, and on roll call, was approved 5-0.

RESULT: Public hearing closed at 7:11 pm.

Mr. Preston asked Mr. Driscoll to clarify how the housing works. Mr. Driscoll explained that the project is a joint venture between Home Leasing and Eagle Star; Eagle Star manages the veteran portion of the housing. Mr. Driscoll clarified that 17 units (30% of the available housing) are dedicated to veteran use, but that it is possible for veterans to occupy a greater number.

Mr. Gray asked if there is an income threshold on the units that are not dedicated to veterans and Mr. Driscoll said that there is.

Mr. Preston asked about apartment sizes and Mr. Driscoll answered that there are 8 studio apartments, 9 two-bedroom apartments, and 39 one-bedroom apartments.

Mr. Preston asked which type of apartments is available to veterans and Mr. Driscoll responded that the studio and one-bedroom apartments are designated for veterans.

Mr. Preston asked if a veteran with a family would be able to obtain housing and Mr. Driscoll said yes; it just would not be considered as part of the dedicated amount. Ms.

Hathaway asked if the veteran would still be eligible for the same benefits and Mr. Driscoll said yes.

Ms. Hathaway asked how a homeless veteran without income can be housed and Megan [] explained that veteran housing is subsidized depending on the degree of need.

Mr. Staley said that he liked the amount of green space which the board had asked Home Leasing to incorporate at the Sketch Plan review, and asked if the double parking situation had been resolved or if they intended to leave it that way. Mr. Driscoll said they intended to leave it that way in order to gain three extra spaces. They would be used by employees or coordinated by management for use by double unit residents.

Mr. Staley asked Mr. Fuller about the average age of the veterans who would be applying for housing and Mr. Fuller answered 56, but said that the figure represents two wide ranges between a large group aged about 25 and a large group aged about 65.

Mr. Staley asked if the figures include female veterans and Mr. Fuller responded that it does not. He explained that the source of Eagle Star's funding only allows them to house male veterans, however, there are other sources of funding for female veterans.

Megan [] pointed out that Eagle Star will not be the only referral agency for Home Leasing, so that even though Eagle Star only houses male veterans, Home Leasing can house female veterans if they choose.

Mr. Gray asked about the lighting and Mr. Tomlinson said that the poles will be 18' tall with no bleed LED lighting with outside shields, and in an effort to be sensitive to the neighbors, the lights will be angled and adjustable.

Mr. Preston expressed his concern about the amount of parking and Mr. Driscoll responded that considering their population, Home Leasing is confident that the number of spaces will be sufficient.

Mr. Preston asked the other board members if they are satisfied with the parking and the elevator situation, and they replied that they are.

3. SEQR

Mr. Preston asked if the board had reviewed part one of the SEQR application and they indicated they had. The board went through the questions for part two.

MOTION: Mr. Preston moved to approve a negative declaration of SEQR; the motion was seconded by Mr. Gray, and on roll call, was approved 5-0.

RESULT: Negative declaration of SEQR

4. Discussion and Action by the Board

There was no further discussion.

MOTION: Mr. Staley moved to approve the Site Plan, contingent upon obtaining the NYSDOT permit and the SHPO approval, and the special use permit; the motion was seconded by Mr. Knipe, and on roll call, was approved 5-0.

RESULT: Site Plan and Special Use Permit approval.

MOTION: Mr. Gray moved to recommend approval of the Area Variance to the ZBA; the motion was seconded by Mr. Knipe, and on roll call, was approved 5-0.

RESULT: Recommendation to the ZBA for approval of the Area Variance.

- E. Site plan review and Special Use Permit to merge and re-develop these five parcels by selective demolition, renovation of a portion of an existing building and construction of two new mixed use buildings

Address: 40-52 and 56-70 Ellicott St. and parcels 84.015-1-37, 84.015-1-4, 84.015-1-37.311, and 84.015-1-37.312

Applicant: Samuel J. Savarino, Ellicott Station LLC (developer)

Actions: 1. Review application
2. Public hearing
3. SEQR
4. 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 did not provide a recommendation based on what they said was a lack of information to conduct a downtown design review.

Mr. Savarino described the project as having three distinct components:

1. Transformation of the Della Penna building into a beer garden, brewery, and restaurant operated by Resurgence Brewery
2. A five-story apartment building with four floors of market rate apartments and parking on the first floor
3. A one-story commercial office building with approximately 16,000 sq.' of space

Mr. Savarino addressed the items the PDC had told him at the Sketch Review they would like to see enhanced, completed, or changed. The board indicated that for the next meeting they would like to see:

- A solution to the Grand Canal storm sewer system
- Façade material samples / pictures of other projects
- Details of treatments between the buildings and sidewalks
- Façade appearance adjustments according to BID guidelines.

For this meeting, Mr. Savarino provided pictures of other projects, and supplied samples of exterior panels. He pointed out that the samples of finishes and colors are intended to complement the façade of the Della Penna building.

Mr. Savarino noted that upon request, he had re-examined the City design standards and found them to be broad and sometimes contradictory. He said that it is impossible to meet every design standard within one project, and indicated that he had brought a narrative which describes the ways in which they have complied with the standards. (See attached.)

Mr. Savarino had been asked to develop a solution to the Grand Canal storm system which runs beneath the project site. After considering two possible solutions, one which would have involved other agencies and taken an inordinate amount of time, and one of which was prohibitively expensive, they settled on a plan to construct a bridge over the Grand Canal.

Mr. Savarino stated that this solution consists of:

- a box culvert beneath the residential building
- Structural elements to bridge the residential building
- Easements all through the site for the City to get to the Grand Canal

Mr. Savarino said that they would have the means to design it, build it, and ensure it meets with City approval. The solution will allow them to proceed with the project and is the least expensive option. He said that they have already provided the City with plans and details, have conferred with the Department of Public Works, and that they are confident it will work.

Mr. Savarino observed that there is currently a building on top of the Grand Canal which will be demolished as part of the project, but which serves as proof that a building can in fact be constructed over the top of the Grand Canal.

Brennan Marks, engineer for the project, explained the concept drawings and John Otto, landscape architect, described the plans for landscaping.

2. Public Hearing

MOTION: Mr. Preston moved to open the public hearing; the motion was seconded by Mr. Gray, and on roll call, was approved 5-0.

RESULT: Public hearing opened at 8:15 pm.

Beth Carr asked a question about the beer garden and accessibility. Mr. Marks said that it is completely handicap accessible.

Pierluigi Cipollone, President of the BDC, spoke in support of the project and praised the effort that went into developing it. He said that it will be a benefit to have a contaminated area cleaned up, and pointed out the boost to employment the project will create. He said the apartments fulfill a need in the City for market rate housing.

MOTION: Mr. Preston moved to close the public hearing; the motion was seconded by Mr. Staley, and on roll call, was approved 5-0.

RESULT: Public hearing closed at 8:24 pm.

Mr. Preston asked for a time estimation on installing the first tenant and Mr. Savarino answered it would be some time in the fall. He said the project will be done at the same time, rather than in phases.

Mr. Staley asked Mr. Worth if he anticipated any reason why the City attorney would not be able to craft the easement. Mr. Worth answered that though the easement will be somewhat unique in the sense of having a structure over the top of a City utility, the City attorney is working on crafting the easement and no issues are expected. He noted that the City having easements on other properties is not unique in itself.

Mr. Worth said that the structure over the top of the Grand Canal is expected to be a 100-year structure requiring minimal maintenance, and he is comfortable with the integrity, rigidity, and sustainability of Mr. Marks's proposed structure. Though they are waiting on a set of engineered plans with the details to be worked out, Mr. Worth said that he is comfortable with the direction the draft is headed in. He stated that as Director of Public Works, it is his responsibility to ensure the City and its utilities are protected so the easement will be crafted with that in mind.

Mr. Preston asked the board if they are comfortable with the plan, and Mr. Staley responded that he is as long as the contingency for the easement is met.

3. SEQR

Mr. Preston asked if the board had reviewed part one of the SEQR application and they indicated they had. The board went through the questions for part two.

MOTION: Mr. Preston moved to approve a negative declaration of SEQR; the motion was seconded by Mr. Knipe, and on roll call, was approved 5-0.

RESULT: Negative declaration of SEQR

4. Discussion and Action by the Board

MOTION: Ms. Hathaway moved to approve the site plan; the motion was seconded by Mr. Knipe, and on roll call, was approved 5-0.

RESULT: Site Plan approval

MOTION: Mr. Preston moved to approve the Special Use Permit; the motion was seconded by Mr. Gray, and on roll call, was approved 5-0.

RESULT: Special Use Permit approval

V. Other/New Business/Updates: none

VI. Setting of Next Meeting: August 15, 2017

VII. Adjournment

Mr. Preston moved to adjourn the meeting at 8:47 pm; the motion was seconded by Mr. Gray. All voted in favor.


Meg Chilano
Recording Secretary