

PLANNING & DEVELOPMENT COMMITTEE

MINUTES

September 27, 2018

6:00 pm

Council Board Room
One Batavia City Centre, Batavia NY

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

Members absent: Matt Gray, Marc Staley

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 6:02 pm.

III. Previous Meeting Minutes

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

RESULT: Approval of August 21, 2018 meeting minutes.

IV. Proposals

- A. Recommendation to the ZBA for an Area Variance: widen an existing 20' wide asphalt driveway by placing 12.58' of asphalt to the east (right) side of the existing driveway

Address: *7 Burke Dr.*

Applicant: John Bryant DeGolia (owner)

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

1. Review Application

Mr. Preston read the summary of the proposal.

2. Discussion and Recommendation by the Board

Mr. DeGolia explained that in the neighborhood where he lives, no one parks on the street. Since the lower part of the driveway needs repair, he would like to widen it at the same time. Also, the fire hydrant in the middle of his front yard must be kept clear so there is no place for visitors to park. He noted that if he was able to get his truck into the driveway, it would make it easier for plows to remove snow from the street.

Mr. Flynn asked if Mr. DeGolia puts his vehicles in the garage and Mr. DeGolia said that he does.

Mr. Flynn pointed out that the space in the driveway along with the space in the garage allows for four parking places. Mr. DeGolia responded that he has three vehicles and the driveway does not allow enough space for him to park his truck in the driveway without tearing up his yard.

Mr. Flynn wanted to know why Mr. DeGolia would want to extend the driveway beyond the front of the garage. Mr. DeGolia said that he is anticipating the addition of a trailer of some sort and he would like to park it next to the garage.

The board members discussed the sharpness of the driveway and how it should be tapered instead. Mr. Flynn asked if the width could be reduced by 2' to make the total width 30'. Mr. DeGolia said that would be fine.

Mr. Knipe asked if Mr. DeGolia's intention is to make the driveway look like the driveway of the neighbor to the east, and Mr. DeGolia said yes.

MOTION: Mr. Flynn moved to recommend approval of Area Variance with the following modifications: the amount of the addition to the driveway is reduced to 10'; and, the driveway will be tapered toward the rear. The motion was seconded by Mr. Knipe, and on roll call, was approved 4-0.

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

B. Recommendation to City Council for a proposed zoning change for these seven parcels from R-3 (Residential) to C-3 (Commercial)

Address: *110-116 Liberty St.; 42 Central Ave.; 112-116 Liberty St.; 118-120 Liberty St.; 122 Liberty St.; 122-124 Liberty St. Rear; 124-126 Liberty St.*

Applicant: Martin Macdonald (agent for City Church)

Actions: 1. Review application
2. Public hearing and discussion
3. Recommendation to City Council

1. Review Application

Mr. Preston read the summary of the proposal. He reported that the Genesee County Planning Board recommended approval of the proposal with modifications, which is that 124-126 Liberty St. remain in the residential district. The Comprehensive Plan update recommended that this area should be zoned as Restoration/Residential, and keeping 124-126 Liberty St. in the residential district would provide a buffer between the commercial district and the residential district.

2. Public Hearing and Discussion

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

RESULT: Public hearing opened at 6:14 pm.

Pastor Macdonald said that the parcels are being used to provide a place for young people to gather for art, dance, music, and other activities. The current zoning does not allow for the buildings to be used for these purposes.

Mr. Flynn asked if the property will include businesses that are for profit. Mr. Randall answered that City Church intends to lease the space, so there will be some business occupancy and some assembly occupancy, which are not permitted in a residential district.

Mr. Flynn asked why the proposed change is to C-3 rather than C-1. Mr. Randall pointed out that the parcels would adjoin an area that is already zoned C-3. Mr. Flynn said that he thinks making the parcels part of a C-1 district creates a better transition between the C-3 and R-3 zones. However, Mr. Randall explained that creating a zone different from any of the surrounding zones could be considered spot zoning.

Mr. Flynn asked if a Planned Development zone had been considered. Mr. Randall responded that the C-3 district was proposed because the parcels are adjacent to the C-3 zone, which allows the uses City Church has planned for the property. This solution would be the most direct and least complicated. Mr. Flynn expressed concern over what uses the property could be put to by future owners if City Church sold it.

Ms. Hathaway suggested restricting the title. Pastor Macdonald said restrictions have already been established. Mr. Flynn asked how long the restrictions last, but Pastor Macdonald did not know.

Mr. Flynn believes that a separate zone should be created to acknowledge the transitional nature of the property and the uses to which it could be put.

There was no one present who wished to speak, and no calls, letters, or email concerning the proposal.

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

RESULT: Public hearing closed at 6:32 pm.

Discussion on uses within particular zones continued. Mr. Randall showed the board the section of the Batavia Municipal Code regarding zoning uses, which indicated that City Church's plans could not be realized within a C-1 district.

3. Recommendation to City Council

MOTION: Mr. Knipe moved to recommend approval of the proposed zoning change of site plan from R-3 to C-3, with the exception of 124-126 Liberty St., which should remain the same; the motion was seconded by Mr. Preston, and on roll call, the vote was 2-1-1.

Votes in favor: 2 (Robert Knipe, Duane Preston)

Votes opposed: 1 (Edward Flynn)

Votes abstained: 1 (Tammy Hathaway)

RESULT: Report results to City attorney to determine if vote is sufficient for recommendation to City Council.

- C. Sign Code Review: City Council has requested that the PDC review the recently adopted sign code to determine if the application and implementation of the new code has been satisfactorily achieved and whether the desired results have been realized. Council wishes for the PDC to make recommendations regarding potential revisions to section 190-43 of the Batavia Municipal Code

Applicant: City Council

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

1. Review Application

Mr. Preston asked if everyone had read the summary of the proposed changes and had comments or questions.

2. Discussion and Recommendation to City Council

Mr. Flynn observed that the wording regarding menu signs is vague and could allow for the possibility for as many as eight drive-through signs. Mr. Randall suggested to change the wording to allow for a maximum of two drive-through menu signs.

Mr. Knipe noted that the code says menu signs must be 5' from property lines. He referred to the past situation with the Dunkin Donuts on West Main St. where the drive-through runs along the property line, and asked if that meant that the menu board would not be allowed on the side of the property line where it would be most easily seen. Mr. Randall verified that a menu sign would now not be allowed in such a location.

Mr. Flynn said he thought that 42 sq.' for a menu board was too large. Ms. Hathaway pointed out that if a patron driving a truck, a large menu board is necessary. Mr. Preston and Mr. Knipe agreed that 42 sq.' seemed an appropriate size.

Mr. Flynn reported that he had checked on the codes regarding electronic message boards in residential areas for Geneva, Clarence, Lockport, and Corning. Mr. Randall said that the change is in acknowledgement of technological advances. According to Mr. Randall, the change in this section is in response to problems encountered in the past year.

MOTION: Mr. Knipe moved to recommend approval of the changes to the Sign Code to City Council; the motion was seconded by Ms. Hathaway, and on roll call, was approved 3-1-0.

Votes in favor: 3 (Tammy Hathaway, Robert Knipe, Duane Preston)

Votes opposed: 1 (Edward Flynn)

Votes abstained: 0

RESULT: Recommendation to City Council for approval of the proposed changes to the Sign Code.

V. Other/New Business/Updates: none

VI. Setting of Next Meeting: October 16, 2018

VII. Adjournment

Mr. Knipe moved to adjourn the meeting at 7:05 p.m.; the motion was seconded by Mr. Preston. All voted in favor.



Meg Chilano
Bureau of Inspection Secretary