

PLANNING & DEVELOPMENT COMMITTEE

MINUTES

October 16, 2018

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

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

Members absent: Edward Flynn, 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 6:07 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 September 18, 2018 meeting minutes.

IV. Proposals

- A. Demolition Permit to demolish and remove a “non-conforming use” two-family dwelling from this parcel located in the Central Commercial District. The applicant proposes to redevelop the parcel for use as a permitted principal use parking area

Address: *312 Ellicott St.*

Applicant: Rick Mancuso (owner)

- Actions:
1. Review application
 2. Discussion by the board
 3. SEQR
 4. Action by the board on the Demo Permit
 5. Recommendation to the ZBA for two Area Variances

1. Review Application

Mr. Preston read the summary of the proposal. He reported that the Genesee County Planning Board recommended disapproval on the basis that the variances are substantial and may pose a significant county-wide or inter-community impact, especially considering it could set a precedent for future similar requests. Also, the project is not in accordance with BID guidelines which require that parking areas that can be seen from the street should be shielded

by low-growing bushes and a low wall or fence. The parking area should incorporate the minimum amount of 10% green space.

2. Discussion by the Board

Mr. Mancuso spoke on behalf of the project. He said that the dwelling on the property was in disrepair when he bought it, and the cost to make it habitable for tenants would be prohibitive. He said that his tenants in the plaza (318-326 Ellicott St.) need more parking. He pointed out that traffic will not be going in and out of the lot; only the tenants themselves will park there during the day while they work.

Mr. Mancuso told the board that he is seeking relief from the requirement of the buffer because it would diminish the amount of available parking area by too much. He pointed out that there is already a fence on the south side of the parking area.

Mr. Gray asked how vehicles would enter the parking lot. Mr. Mancuso answered that on Goade Pk. there is already a curb cut where the old driveway used to be.

Mr. Knipe asked about the property to the rear (107 Liberty St.), and Mr. Randall said it is a parking lot owned by the City. Mr. Knipe asked if the two lots would be connected, and Mr. Mancuso replied that they will be at the same level and abut one another though technically not be connected.

Mr. Knipe commented that he is concerned about the appearance of Ellicott St. in its capacity as one of the gateways into the City. He said there needs to be at least a little green space along the street.

Mr. Gray said that he is less concerned with a 10' buffer than he is with maintaining a consistent appearance along the street, in adherence to BID guidelines.

Mr. Mancuso said it would be easy to put some low bushes along Ellicott St. in the triangular area marked on the drawing.

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. Gray moved to approve a negative declaration of SEQR; the motion was seconded by Mr. Knipe, and on roll call, was approved 4-0.

RESULT: Negative declaration of SEQR

4. Action by the Board on the Demo Permit

Mr. Mancuso asked to be permitted to plant bushes in lieu of erecting a fence. He pointed out that a fence acts as a trap for debris.

MOTION: Mr. Gray moved to approve the Demolition Permit with the stipulation that low shrubs are planted in the triangle area along Ellicott St.; the motion was seconded by Mr. Knipe, and on roll call, was approved 4-0.

RESULT: Demolition Permit approved.

5. Recommendation to the ZBA for two Area Variances

MOTION: Mr. Knipe moved to recommend approval of the variance application regarding the buffer; the motion was seconded by Ms. Hathaway, and on roll call, was approved 4-0.

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

MOTION: Ms. Hathaway moved to recommend approval of the area variance regarding the fence; the motion was seconded by Mr. Gray, and on roll call, was approved 4-0.

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

- B. Alter the exterior appearance to this building by removing all aspects of the existing drive-through banking teller equipment and canopy structure on the west elevation of this one-story commercial building. The existing masonry wall will be restored to match the appearance of the existing surfaces as closely as possible

Address: 219 East Main St.

Applicant: Scott Neff (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 proposal.

2. Discussion and Action by the Board

Jason Breton, Breton Construction, spoke on behalf of the project. He explained that he intended to remove the canopy structure and piece in the brick with matching material. The blacktop and piers will be removed and replaced with new blacktop, and the driveway, which will no longer be a drive-through, will be sealed.

Mr. Knipe asked if the entire area would be used for parking, and Mr. Breton clarified that the area is still a wrap-around driveway which empties onto Main St., despite there being no drive-through.

Mr. Knipe asked if it would be possible to put some plantings in the area that is being demolished. Mr. Breton pointed out that there is only about 22' of space, which already has a green area on one side. He also noted that the driveway opening would need to be changed in order to put 6' of plantings, a task for which it is difficult to obtain permission from the DOT, which regulates aprons.

MOTION: Mr. Gray moved to approve the proposal as submitted; the motion was seconded by Ms. Hathaway, and on roll call, was approved 4-0.

RESULT: Proposal approved.

- C. Site Plan approval for expansion of an existing 49,000 sq.' manufacturing facility by placing a 19,000 sq.' one-story addition with associated site work on the west side of this parcel

Address: 4A Treadeasy Ave.

Applicant: Alex Amering, PE (Project Manager for Amada Tool)

- Actions:
1. Review application
 2. Public hearing and discussion by the board
 3. SEQR
 4. 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 with the following modifications:

- As the property has been identified as an archaeologically sensitive site, documentation from SHPO should be obtained; and
- As per DEC requirements, as the applicant is disturbing more than 1 square acre of land, the applicant should complete a stormwater pollution prevention plan prior to approval from the City.

2. Public Hearing and Discussion by the Board

Ken Bragg, Chrisanntha Construction, Mark Costich, Costich Engineering, and Jeff and Jerome from Amada Tools were present to speak on behalf of the project. Mr. Costich said that he is proposing to demolish part of the existing parking lot, removing 45 spaces. The plan includes a 15,000 sq.' manufacturing facility and a 4,000 sq.' drive-through loading breezeway. They are proposing 65 parking spaces, 20 more than the current amount. The project includes two bioretention areas and a stormwater management facility, which will conform to all state and local regulations. Access to the facility will be via the current curb cuts. The architecture and lighting will be similar to the existing.

Mr. Preston asked if the bioretention area will be fenced. Mr. Costich detailed the dimension of the area and explained that it will be capable of being mowed like any other grass. Putting a fence around it would make it difficult to maintain, and trash would be caught by the fence.

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

RESULT: Public hearing opened at 6:43 pm.

There was no one present who wished to speak, and no calls or email had been received concerning the project.

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 6:44 pm.

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. Gray moved to approve a negative declaration of SEQR; the motion was seconded by Mr. Knipe, and on roll call, was approved 4-0.

RESULT: Negative declaration of SEQR

4. Action by the Board

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

RESULT: Site Plan approved.

V. Other/New Business/Updates: none

VI. Setting of Next Meeting: November 13, 2018

VII. Adjournment

Mr. Knipe moved to adjourn the meeting at 6:53 p.m.; the motion was seconded by Mr. Preston. All voted in favor.



Meg Chilano
Bureau of Inspection Secretary