

# PLANNING & DEVELOPMENT COMMITTEE

## *MINUTES*

**November 13, 2018**

**6:00 pm**

Council Board Room

One Batavia City Centre, Batavia NY

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

Members absent: Edward Flynn, Tammy Hathaway, Marc Staley

Others present: Meg Chilano – Recording Secretary, 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.

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

Mr. Preston called the meeting to order at 6:04 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 October 16, 2018 meeting minutes.**

### **IV. Proposals**

- A. Special Use Permit to change the existing non-conforming use (law office) to a different non-conforming use (massage therapy office)

Address: *121 Washington Ave.*

Applicant: Karin Phelps (owner)

- Actions:
1. Review application
  2. Public hearing and discussion
  3. Action by the board

#### **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. Public Hearing and Discussion**

**MOTION:** Mr. Knipe moved to open the public hearing; the motion was seconded by Mr. Gray, and on roll call, was approved 3-0.

**RESULT: Public hearing opened at 6:07 pm.**

Ms. Phelps related to the board that she is a medical massage therapist and wants to open an office in a nice community. She considers this location to be a good one for her practice. The rooms are already set up the way she needs them to be, and the only work involved would be changing the paint colors.

Mr. Gray asked if there would be any other employees. Ms. Phelps replied that she would like to rent a couple of the rooms to professionals who would also perform massage therapy.

Mr. Gray asked Mr. Randall about parking volume. Mr. Randall explained that the building was originally used as a doctor's office. When the doctor left, an attorney established an office, but there is no record of the change. He noted that there generally appeared to be two cars in the driveway at a time.

According to Ms. Phelps, if she and the other two therapists were in the office at the same time, she intended for them to park in the big public lot across the street. She said that the driveway fits two cars comfortably, and there is also street parking available.

**MOTION:** Mr. Gray moved to close the public hearing; the motion was seconded by Mr. Knipe, and on roll call, was approved 3-0.

**RESULT: Public hearing closed at 6:13 pm.**

## **3. Action by the Board**

**MOTION:** Mr. Gray moved to approve the Special Use Permit as submitted; the motion was seconded by Mr. Knipe, and on roll call, was approved 3-0.

**RESULT: Special Use Permit approved**

## **V. Other/New Business/Updates: Approval of 2019 Meeting Dates**

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

**RESULT: PDC meeting dates for 2019 approved.**

## **VI. Setting of Next Meeting: December 18, 2018**

## **VII. Adjournment**

Mr. Preston moved to adjourn the meeting at 6:20 p.m.; the motion was seconded by Mr. Knipe. All voted in favor.



Meg Chilano  
Bureau of Inspection Secretary