

# PLANNING & DEVELOPMENT COMMITTEE

## *MINUTES*

September 19, 2017

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

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

Members absent: Marc Staley

Others present: Meg Chilano – Recording Secretary, Doug Randall – Code Enforcement Officer

### **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 6:01 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 July 18, 2017 meeting minutes.**

### **IV. Proposals**

- A. Recommendation to the ZBA for an Area Variance: widen an existing 10' wide asphalt driveway to 23.5' by removing the existing driveway and placing a new one to match the attached plan

Address: 7 Richmond Ave.

Applicant: Matt Jolliff (owner)

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

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

Mr. Preston read the summary of the proposal. He reported that the Genesee County Planning Board recommended approval of the project.

#### **2. Discussion and Recommendation to the ZBA**

Mr. Jolliff explained that he removed the single door from the two car garage and replaced it with it with a double door. He would like to widen the driveway to accommodate the family vehicles and those of visiting friends as well, without creating a sidewalk hazard.

Mr. Knipe asked if Mr. Jolliff is basically just adding a few feet of asphalt to the driveway where it tapers down to the street, and Mr. Jolliff said that is correct.

**MOTION:** Mr. Knipe moved to recommend approval of the application; the motion was seconded by Ms. Hathaway, and on roll call, was approved 4-0-1.

Votes in favor: 4 (Matt Gray, Tammy Hathaway, Robert Knipe, Duane Preston)

Votes opposed: 0

Votes abstained: 1 (Edward Flynn)

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

B. Recommendation to the ZBA for a Use Variance: change the use of six automobile repair bays to individual storage units for rent

Address: 643-645 East Main St. (existing auto repair bays)

Applicant: Daniel Mattice (owner)

Actions: 1. Review application

2. Discussion and recommendation to the ZBA for Use Variance

**1. Review Application**

Mr. Preston read the summary of the proposal. He reported that the Genesee County Planning Board recommended disapproval based on their belief that the hardship is self-created.

**2. Discussion and Recommendation to the ZBA**

Mr. Mattice stated that he did not purchase the building with the intention to turn it into a storage facility. Mr. Mattice bought the property because it abuts his own property and he wanted to protect his investment. For several months, he tried unsuccessfully to rent the property. He attempted, also unsuccessfully, to open an auto repair shop. He said that he was then approached by someone who wished to use the front portion of the building as a florist's shop. However, Mr. Mattice said he still could not find a use for the six auto repair bays in the rear and decided to turn them into storage units. At this point, Mr. Mattice did not realize that storage is not an acceptable use in an Industrial zone.

Mr. Preston asked if the florist's shop is still open and Mr. Mattice said it is.

Mr. Flynn asked if there is only one building on the property. According to Mr. Mattice, there are two buildings. The one in the rear is rented out as an auto repair shop.

Mr. Mattice had brought photos and indicated that he had cleaned up the property.

Attorney Michael DelPlato pointed out that the property known as Triangle Storage abuts the Mattice property and is also used for storage.

Mr. Flynn asked about the type of storage that would be allowed and Mr. Randall answered that if the proposal is approved, the applicant will be allowed to have any type of storage he wishes (with the exception of hazardous materials). Mr. Mattice said that the bays are large enough to store boats or cars.

Mr. DelPlato said that he disagrees with the County Planning Board's assessment that the hardship is self-created because Mr. Mattice did not start out intending to use the building for storage; but when it turned out that he could not rent the property for its intended use, he did what any creative business owner does: he tried to imagine a different way to make the property useful and profitable.

Mr. DelPlato pointed out that the storage rental Mr. Mattice is proposing will be clean and quiet and present a minimal amount of traffic.

Mr. Flynn asked if there would be any outside storage and Mr. Mattice said no.

Mr. Knipe asked if there would be any future request for expansion of storage space and Mr. Mattice answered no.

Mr. Preston asked if the florist's shop would remain a store front and Mr. Mattice responded that it would.

Mr. DelPlato noted that the surrounding businesses submitted letters of approval.

**MOTION:** Mr. Gray moved to recommend approval of the Use Variance to the ZBA on the basis that the use is compatible with the neighborhood, and also that there is a neighboring property with similar usage; the motion was seconded by Mr. Flynn, and on roll call, was approved 5-0.

**RESULT: Recommendation to the ZBA for approval of the Use Variance.**

- C. Site plan approval for construction of a 2,700 sq.' one story addition to the rear of the building known as 439 East Main St., for use as a clinic. This project also modifies a previously approved plan to expand the parking lot on portion of this property and the neighboring property at 432 East Main St. The PDC previously approved the parking lot expansion on 10/18/16.

Address: 424 East Main St.

Applicant: Raymond Murphy, RA (architect for the owner)

- Actions:
1. Review application
  2. Public hearing
  3. Discussion and action by the board

### **1. Review Application**

Mr. Preston read the summary of the proposal.

### **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 6:29 pm.**

John Bennett, Executive Director for GCASA, and Raymond Murphy, architect for the project, spoke about the proposal. Mr. Bennett explained that GCASA had been awarded a

grant by the federal government to build a clinic designated for addiction treatment with the use of methadone.

According to Mr. Bennett, treatment times at the methadone clinic will be staggered, with treatment for those who are employed beginning at 6:00 a.m., and treatment for those who are unemployed beginning at 8:00 a.m. Treatment at the regular clinic begins at 9:30 a.m., so traffic flow is not expected to be a problem.

Mr. Bennett told the board that GCASA has rented parking space from the neighboring Cornell Cooperative Extension for three years, but the methadone clinic will require 10-12 new employees with the need for additional parking. Since GCASA owns three acres, Mr. Bennett said it makes sense to build their own parking area.

Mr. Murphy pointed out that additional parking had been approved by the PDC last year, but when Mr. Bennett reported that GCASA had applied for a grant to build an additional clinic, construction was held up because the layout of the parking would be slightly impacted.

Mr. Bennett said that the Genesee County Planning Board questioned why GCASA would need more space when they had just put up a community residence addition the previous year, however, they in turn needed more program space for the additional residents.

Mr. Bennett described how the new building is designed to afford maximum privacy; that is why the entrance is on the side away from the Main Street area. Also, he affirmed that the design of the new building adheres to the historic character of the other buildings.

Mr. Flynn asked if GCASA had SHPO approval, and Mr. Bennett responded that SHPO approval was part of the grant process.

Mr. Flynn asked about the distance the addition will extend beyond the existing building, and Mr. Murphy answered about 10-15'.

According to Mr. Bennett, several public forums had been held and no opposition had been expressed. He believes that part of the reason for the lack of opposition was education. He said that educating the community about methadone treatment had begun a year prior to the project, and the community responded with a lot of support.

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

**RESULT: Public hearing closed at 6:48 pm.**

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

There was no further discussion.

**MOTION:** Ms. Hathaway moved to approve the Site Plan; the motion was seconded by Mr. Gray, and on roll call, was approved 4-0-1.

Votes in favor: 4 (Edward Flynn, Matt Gray, Tammy Hathaway, Duane Preston)

Votes opposed: 0

Votes abstained: 1 (Robert Knipe)

**RESULT: Site Plan approval.**

D. Site plan approval for construction of a 20,075 sq.' one story addition to this industrial use building

Address: *165 Cedar St.*

Applicant: Michael Feeney, Engineer Tech. for Napierala Consulting  
(agent for the owner)

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.

**2. Public Hearing**

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

**RESULT: Public hearing opened at 6:51 pm.**

Mr. Feeney said that once again OATKA has grown and is in need of more space. The building will be used as an industrial warehouse.

Mr. Flynn asked if employed will be increased, and Mr. Feeney responded that it is for operational use only and there will be no change in employment, parking, or circulation. The need is for more space with greater room to move around.

Mr. Knipe asked about the reduction in the number of loading doors, and Mr. Feeney said there are enough doors on the existing building so that the new one does not need to have more loading doors.

Mr. Preston noted that the Genesee County Planning Board recommended approval of the project.

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

**RESULT: Public hearing closed at 6:55 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. Flynn 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**

There was no further discussion.

**MOTION:** Mr. Flynn moved to approve the Site Plan; the motion was seconded by Mr. Gray, and on roll call, was approved 5-0.

**RESULT: Site Plan approved.**

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

**VI. Setting of Next Meeting:** October 26, 2017

**VII. Adjournment**

Mr. Flynn moved to adjourn the meeting at 7:03 pm; the motion was seconded by Mr. Knipe. All voted in favor.



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Meg Chilano

Bureau of Inspection Secretary