

PLANNING & DEVELOPMENT COMMITTEE

DRAFT MINUTES

September 17, 2019

6:00 pm

Council Board Room
One Batavia City Centre, Batavia NY

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

Members absent: David Beatty, Tammy Hathaway

Others present: Janice Smith – 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 6:00 pm.

III. Previous Meeting Minutes

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

RESULT: Approval of August 20, 2019 meeting minutes.

IV. Proposals

- A. Recommendation to the Zoning Board of Appeals for an Area Variance to widen an existing 29.9' wide Portland cement driveway by adding 5.71' of Portland cement concrete, creating a total driveway width of 35'

Address: *8 Evergreen Dr.*

Applicant: Donald Childs (owner)

- Actions:**
1. Review application
 2. Discussion and action by the board

1. Review Application

Mr. Preston read the summary of the proposal. Mr. Childs was not present.

2. Discussion and Action by the Board

MOTION: Mr. Knipe moved to recommend approval of the variance to the ZBA; 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.

B. Minor subdivision of this existing parcel into three new parcels

Address: 40-70 Ellicott St.
Applicant: Courtney Cox (manager for Ellicott Station LLC)
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. Mr. Cox was not present to speak about the project.

Mr. Knipe noted that the area from 40-70 Ellicott Street covers three zones and asked if it is that situation which is driving the request for the subdivision. Mr. Randall responded that the situation with the zones is not something that needs to be fixed.

Dr. Marty Moore, City Manager, related to the board that he had a discussion with Samuel Savarino, developer for the project. According to Dr. Moore, Mr. Savarino will be applying for a grant from Homes for Community Renewal (HCR) for the residential portion of the project. Dr. Moore said that he can appreciate the logic of breaking the property into three parcels for the sake of keeping the residential part separate in the application process.

Dr. Moore explained that he has two concerns. The City wishes to make certain that Mr. Savarino adheres to the agreement to develop the entire property and not sell it off in pieces. Also, the City would like to know the time frame for completion of the project.

Pierluigi Cipollone, Director of the Batavia Development Corporation, stated that Mr. Savarino is under agreement to develop the entire property. He is not able to sell pieces of it even if he subdivides it.

Mr. Gray asked if dividing the property into three parcels and developing in phases means that Mr. Savarino does not have to remediate the entire property prior to beginning development. Mr. Cipollone responded that the entire property still needs to be cleaned up.

Mr. Knipe asked what power the City has to make Mr. Savarino perform? Mr. Cipollone said that if development is not started within a particular time frame, the BDC has the power to take back control of the Ellicott Station LLC.

Mr. Flynn asked about agreements for parking and sewer lines across the three parcels, and said that he would not be able to make a decision regarding the subdivision until those issues are clarified.

Mr. Randall noted that parking belongs to Lot #2, which will be the residential portion. Separate parking for each parcel was not considered because it has always been referred to as a single property.

Mr. Gray asked if the PDC would have to review the Site Plan again? Mr. Randall said no because the project is not changing, just the lot lines.

Mr. Flynn said that he is concerned that sometime in the future one of the lots could be sold and the other lots have no access to parking.

Mr. Preston asked if the prospective funding would apply to all three parcels. Dr. Moore answered that it applies to the housing portion. There are other funding sources that apply to the other buildings. The arrangement is complex with funding coming together from a variety of sources.

2. Public Hearing

MOTION: Mr. Preston 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 6:25 pm.

Mr. Cipollone noted that this project was intended as the catalyst for development. Along with the Gautieri project across the street, this project would create a great corridor.

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

MOTION: Mr. Preston 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 6:27 pm.

3. SEQR

Mr. Preston asked if the board had reviewed part one of the SEQR application and they indicated they had. Mr. Knipe referred to the section regarding changes to pedestrian access and asked Mr. Cipollone if the subdivision plan changed the terms of the Ellicott Trail. Mr. Cipollone answered that everything remains the same.

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. Discussion and Action by the Board

Mr. Preston asked if there is a motion on the subdivision. Mr. Flynn said that he wants to see the access agreements first.

Mr. Gray said that he is concerned that it will be easier for Mr. Savarino to break development agreements once the property is subdivided. He wants the chance to question a representative from Savarino Companies.

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

RESULT: Minor Subdivision application tabled.

V. Other/New Business/Updates: none

VI. Setting of Next Meeting: October 15, 2019

VII. Adjournment

Mr. Knipe moved to adjourn the meeting at 6:31 p.m.; the motion was seconded by Mr. Gray. All voted in favor.



Meg Chilano
Bureau of Inspection Secretary