

# PLANNING & DEVELOPMENT COMMITTEE

## *MINUTES*

**December 16, 2014 6:00 pm**

Council Board Room

One Batavia City Centre, Batavia NY

Members present: *Edward Jones, Alfred McGinnis, Duane Preston, Jeffrey Scott*

Members absent: Paul Viele

Others present: *Anupa Hirani, Joe Condidorio, Robert Greathouse, Jeremy Lyles, Julie Pacatte, Dave Tufts, Mr. and Mrs. White, 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 Jones declared a quorum.

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

Mr. Jones called the meeting to order at 6:02 pm.

### **III. Approval of minutes**

*Jeffrey Scott* made a motion to approve the October 21, 2014 minutes.

Seconded by: *Duane Preston*

Votes in favor: 4 (Edward Jones, Alfred McGinnis, Duane Preston, Jeffrey Scott)

Votes opposed: 0

Votes abstained: 0

**Result: Approval of October 21, 2014 minutes.**

### **IV. Proposals**

- A. Add a second driveway along the north property line. The proposed loose stone driveway with Portland cement apron and sidewalk will be 9' wide and 35' long

Address: *6 Goade Park*

Applicant: Kelly Herold (owner)

- Actions:
1. Review application
  2. Public hearing
  3. Discussion and recommendation to the Zoning Board of Appeals (ZBA)

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

Mr. Jones read the summary of the proposal. The applicant was not present. Mr. Jones said that apparently the applicant owns the property on both sides and wishes to put the driveway down the middle.

### **2. Public Hearing**

Mr. Jones opened the public hearing at 6:05 pm. There were no calls or correspondence and no one came to speak. Mr. Jones moved to close the public hearing at 6:06 pm. Mr. Scott seconded. All voted in favor.

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

Mr. Jones stated that his only comment is that he likes to see driveways paved eventually.

Motion by: *Edward Jones*

**“I make a motion that approval be recommended to the ZBA with the stipulation that the driveway is paved within a year.”**

Seconded by: *Jeffrey Scott*

Votes in favor: 4 (Edward Jones, Alfred McGinnis, Duane Preston, Jeffrey Scott)

Votes opposed: 0

Votes abstained: 0

**Result: Recommendation for approval made to the ZBA.**

B. Placement of a 2' x 20' exterior lit wall sign on the north elevation of this commercial building located within the BID

Address: *240 Ellicott Street*

Applicant: Kathleen Gonzalez (tenant/business owner)

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

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

Mr. Jones read the summary of the proposal. He reported that the Genesee County Planning Board recommended approval. Mr. McGinnis asked if the application is still active because he said that he heard that Clor's Meat Market went out of business. Mr. Randall told the board that they could table the proposal if they wished in order to have time to determine if the application is still active.

Motion by: *Edward Jones*

**“I make a motion to table the application until next month to get clarification on whether or not it's an active application.”**

Seconded by: *Jeffrey Scott*

Votes in favor: 4 (Edward Jones, Alfred McGinnis, Duane Preston, Jeffrey Scott)

Votes opposed: 0

Votes abstained: 0

**Result: Application tabled.**

C. Placement of a 4.16' x 2.33' exterior lit Special Wall Sign on the west elevation of this commercial building located in the BID

Address: *13 Jackson Street*

Applicant: Byron Ariyaratnam

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

**1. Review of Application**

Mr. Jones read the summary of the proposal. He reported that the Genesee County Planning Board recommended approval. Anupa Hirani was present to speak on behalf of the applicant. She explained that the sign is the same one that is already there, but that it will be divided in half and refaced with the Bistro on one side and Yo Twisters on the other side.

**2. Public Hearing**

Mr. Jones opened the public hearing at 6:15 pm. There were no calls or correspondence and no one came to speak. Mr. Jones moved to close the public hearing at 6:16 pm. Mr. Preston seconded. All voted in favor.

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

Mr. Jones said the sign is not a special sign and only requires approval because the business is located in the BID. Mr. Randall pointed out that the dimensions of the new sign are different from ones indicated on the application and Ms. Hirani explained a mistake was made in recording the size of the sign, but she assured the board that the sign is the same one already in existence.

Motion by: *Alfred McGinnis*

**"I make a motion to approve the application for the sign permit with the revised dimensions of 16' x 44'."**

Seconded by: *Jeffrey Scott*

Votes in favor: 4 (Edward Jones, Alfred McGinnis, Duane Preston, Jeffrey Scott)

Votes opposed: 0

Votes abstained: 0

**Result: Application approved.**

- D. Placement of two wall signs (oak leaf logo) on the north elevation, and one wall sign (Tompkins Insurance) on the east elevation of this commercial building located within the BID. One of the oak leaf logos will require the issuance of a Special Sign Permit

Address: 113-119 Main Street

Applicant: Joe Condidorio (contractor)

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

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

Mr. Jones read the summary of the proposal. He reported that the Genesee County Planning Board recommended approval. Joe Condidorio, contractor for the project, described the material for the signs as anodized aluminum. He said that the signs are gold in color and the lettering is in the green color that defines the Tompkin's logo. The signs are unlit.

### **2. Public Hearing**

Mr. Jones opened the public hearing at 6:19 pm. Julie Pacatte, from the Batavia Development Corporation (BDC), spoke in support of the project. She said that the BDC is excited about what Tomkin's is doing in the community and the signs are a finishing touch. Mr. Jones moved to close the public hearing at 6:21 pm. Mr. Scott seconded. All voted in favor.

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

Mr. Jones commented that the proposal is straightforward. He pointed out that the signs are unlit, made of a weather resistant material, and will match the usage of the property. Mr. Scott added that the signage looks sharp and makes the building look less institutional.

Motion by: *Edward Jones*

**"I move that the Special Sign Permit and Sign Permits for the property located in the BID, specific to the proposed signage for "Tompkins" and the "oak leaf logo" at 113-119 East Main Street, as presented to the City of Batavia Planning & Development Committee on December 16, 2014 be approved with no conditions."**

Seconded by: *Duane Preston*

Votes in favor: 4 (Edward Jones, Alfred McGinnis, Duane Preston, Jeffrey Scott)

Votes opposed: 0

Votes abstained: 0

**Result: Application approved.**

- E. Installation of a parking lot in the front yard of this church property

Address: 438 Vine Street  
Applicant: Robert Greathouse (Trustee for Grace Baptist Church)  
Actions: 1. Review of application  
2. Public hearing  
3. Discussion and recommendation to the ZBA

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

Mr. Jones read the summary of the proposal. He explained that it is the PDC's role to review the application and make recommendations to the ZBA. Robert Greathouse, Trustee for Grace Baptist Church, said that because of growing attendance, two years ago the church began holding a double service. They completed a \$1.8 million expansion to their facility which included an expansion to the east side parking lot. However, Mr. Greathouse said that the attendance has increased to the point where the street parking extends all the way down Vine Street to Evergreen Drive. He said that though they have received no complaints, they are sensitive to the issue of parking in front of their neighbors' homes, as well as, members walking a distance to the facility. According to Mr. Greathouse, they started to use the piece of property they had purchased for overflow parking, but were told that they could be in violation of city code because it is not a suitable parking surface. He said that they applied for, and added, an extension to the east (rear of property); however, they are still in need of more parking for the overflow. He said that they do not require an entrance or an exit, just more space for parking. Mr. McGinnis asked how the neighbor feels about having a parking lot in his backyard and Mr. Greathouse replied that he has not heard any negative comments. Mr. Jones asked about paving. Mr. Greathouse responded that the intent at the moment is to make the space surface suitable for overflow parking only. He said that if the board required paving, the church would need to raise additional funds to complete the project. Mr. McGinnis asked if the rest of their parking is paved and Mr. Greathouse answered that it is. Mr. Preston asked about lighting and Mr. Greathouse said that there will be no additional lights.

Mr. Preston asked about drainage being gravity fed. Mr. Randall explained that the engineer designed the lot to sheet flow towards Vine Street. He said that at the bottom of the parking area there is what appears to be a small berm with plants and stone. According to Mr. Randall, the drainage will be caught in the area and then held for a moment until it absorbs into the soil. He said that the water will be directed toward Vine Street and drained away from the neighboring parcels. Mr. Greathouse pointed out that currently there are trees and shrubs along the north edge. Mr. Greathouse indicated on the drawings where trees and shrubs are already located on the north side. He said that they would add trees and shrubs along the southern edge. Looking at the drawings, Mr. Jones asked about what is indicated on the west side by Vine Street. Mr. Randall answered that it is a stone berm that will have

plantings on the top. Mr. Randall said that it is cupped so that it will hold water until it absorbs into the soil.

Mr. McGinnis asked about the feature at the north end. Mr. Greathouse said that it was an old stone driveway. At one time there was a house located there and it was the driveway that belonged to the house, but Mr. Greathouse said that it is not their intent to use it. Mr. Randall said that the area has filled in with grass. Mr. McGinnis commented on requiring paving and Mr. Jones said that the board could recommend it to the ZBA. Mr. McGinnis added that he would not like the idea of having a parking lot in his back yard. Mr. Randall referred the board to the plans and pointed out that the engineer intended for the lot to be paved.

## **2. Public Hearing**

Mr. Jones opened the public hearing at 6:34 pm. Mr. Jones stated that the PDC would make recommendations to the ZBA but that the ZBA would have the final word on the proposal. Mrs. White owns the property at 8 Northern Boulevard. She said that their property abuts the Church's current parking lot. She told the board that she would like to see a site plan for the proposal and to ask about snow removal. She said that they had a problem previously with the snow removal contractor pushing snow into their back yard. She said that the problem was corrected but that she would like to know what is going to happen when there are more parking spaces.

Mr. Jones invited Mrs. White to approach the board to look at the plans. He pointed out on the drawings where the existing parking lot is located and where the proposed parking lot will be located. He indicated to her where the berm would be and where the landscaping would go, and how the drainage would work. The Whites expressed concerns about snow removal. Mr. Randall said that it is his understanding that the reason for 26' between the bottom part of the proposed lot and the berm is so the snow removal contractor can push the snow from east to west. Mr. Greathouse said that they were sensitive to the needs of the neighbors and redesigned the parking areas so that drainage will not run off onto their properties.

Meg Chilano reported that the Inspection office had received a phone call from the resident of 3 Evergreen Drive. She informed the board that the resident had questions about the drainage but was not averse to the proposal. She said that the resident commented that the Church is a good neighbor. Mr. Jones made a motion to close the public hearing at 6:40. Jeffrey Scott seconded. All voted in favor.

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

Mr. Jones said that perhaps drainage needed to be considered further and that a snow removal plan would be necessary. Mr. McGinnis said that a snow removal plan could include trucking the snow away and Mr. Greathouse responded that they have done that before. Mr. Jones said that paving should also be recommended because the parking lot will abut three

residential properties. Mr. Greathouse said that they first had to get approval from the neighbors and the City, and then they could go to the members for funding.

Motion by: *Edward Jones*

**“I make a motion to recommend approval by the Zoning Board of Appeals with three conditions: the site is paved within 12 months; the application includes a formal snow management plan; and, some engineering controls to pick up drainage on both sides of the parking lot.”**

Seconded by: *Duane Preston*

Votes in favor: 4 (Edward Jones, Alfred McGinnis, Duane Preston, Jeffrey Scott)

Votes opposed: 0

Votes abstained: 0

**Result: Recommendation to the ZBA.**

- F. Removal of an existing free standing sign structure and placement of a new 20’ tall by 9’ wide, 92 sq.’ free standing sign structure in the same approximate location. The proposed sign will contain a digital reader board that will not be illuminated by or contain flashing, intermittent, rotating or moving lights except to show time and temperature

Address: *211 West Main Street*

Applicant: *Jamie Rawleigh (sign contractor)*

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

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

Mr. Jones read the summary of the proposal. He reported that the Genesee County Planning Board recommended approval. Jeremy Lyles, owner of Oliver’s Candies, spoke about the project. He explained that the sign is the same size as the previous sign. He said that the only difference is that the posts that hold up the sign are set farther apart because they will be positioned on the outside of the sign rather than the inside as previously. According to Mr. Lyles, the current sign is actually comprised of two signs taken from the front of the building and positioned back-to-back. The new sign is just one sign. Mr. Randall pointed out that there was some confusion about the sign based on some erroneous reporting by the newspaper which had indicated that the sign would flash intermittently. Mr. Lyles said that the sign will basically be the same as the current one except that the white part where the lettering goes will be a color LED board. Mr. Lyles acknowledged that he understood the rules about digital signs and said that the board will not flash or change more than once in a 24 hour period. He said that though the sign is capable of full video mode, he understands the City’s stipulations about moving signs and will not utilize the sign’s capabilities. According to Mr. Lyles, the new sign will provide ease of change and safety. Rather than

risk climbing a ladder to change the sign manually, it can now be changed from the office. He said that the current sign is in bad shape and is not energy efficient like the proposed sign with its new bulbs. He stated that the sign is part of Batavia's history, as well as Oliver's history and that it would not be discarded but rather stored in a barn until a purpose for it could be determined.

Mr. Jones asked for a more complete description of the LED part of the sign and Mr. Lyles explained that it is basically like the Dunkin Donuts sign except rather than the red color, this sign is full color. Mr. Jones asked if the sign would have just words and Mr. Lyles responded that there could possibly be an image along with the words. He referred the board to the photos accompanying the application and said that they have been working on the sign for about two years. According to Mr. Lyles, they took great care with the design because they expected some opposition to changing it from the public. Mr. Jones said that his concern about the sign is the possibility for creating driver distraction at the busy intersection. Mr. Lyles pointed out that there will be no motion in this sign.

## **2. Public Hearing**

Mr. Jones opened the public hearing at 6:55 pm. There were no calls or correspondence and no one came to speak about the project. Mr. Jones moved to close the public hearing at 6:57. Mr. Scott seconded. All voted in favor.

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

Mr. McGinnis said that he thinks the sign is beautiful and Mr. Preston and Mr. Scott agreed. Mr. Scott added that though the previous sign is an icon, it is old and its usefulness has come to an end. Mr. Jones expressed concern about the video display but Mr. McGinnis pointed out that it is a static display and Mr. Scott said it is no different from putting up a poster.

Motion by: *Jeffrey Scott*

**"I move that the Special Sign Permit for 211 West Main Street, Oliver's Candies, for the removal of the existing sign and installation of the replacement sign, to contain a digital reader board not to be illuminated by or containing flashing intermittent, rotating or moving lights except to show time and temperature, as presented to the City of Batavia Planning & Development Committee on December 16, 2014 be approved."**

Seconded by: *Duane Preston*

Votes in favor: 4 (Edward Jones, Alfred McGinnis, Duane Preston, Jeffrey Scott)

Votes opposed: 0

Votes abstained: 0

**Result: Application approved.**



- G. Construction of a 4,682 sq.' two story addition to an existing two story commercial building. Reduce the required side and rear yard setbacks and change the number of parking spaces required from 19.5 to 16.

Address: 438 East Main Street

Applicant: D.A. Tufts, (agent for the owner)

Actions: 1. Review of application  
2. Site Plan Review  
3. Public hearing  
4. Discussion and action by the board  
5. Recommendation to the ZBA regarding parking variance and rear yard setback

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

Mr. Jones read the summary of the proposal. Dave Tufts was present to speak about the project. Mr. Tufts is purchasing the property and in order to make it financially viable, he said that some modifications need to be made. He said that they considered what the City needs at the moment and they believe that there is a need for higher end apartments. His intention for the building is to create two large apartments. Each apartment would be approximately 1,300 sq.' and have separate stairways and separate entrances.

Mr. Tufts said that they want the building to have office space but there is only enough parking for general offices. Medical offices require a greater density of parking spaces. Mr. Tufts said that they want to be open to a wider market and not have to exclude medical offices.

### **2. Site Plan Review**

Mr. Jones asked if there is enough room for tenants pulling into their garages when they turn in from Harvester Avenue and Mr. Tufts said that there is. He said that while not spacious, there is adequate space for turning radius. Even if the parking lot is full, Mr. Tufts said that the tenants will still be able to get into their garages. Mr. Jones asked about the location of the stockade fence and Mr. Tufts replied that currently the fence runs along the south and west sides by the parking area and stops when it reaches the building. He said that the fence will remain.

Mr. Tufts informed the board that there are a number of obstacles to the project. One impediment is the National Grid service line that bisects the property. When asked to provide the easement, National Grid said that they could not find it. Mr. Tufts said that they have met with the National Grid planners and that National Grid will have to relocate the line around the property and create a new easement for them to set the pole. According to Mr. Tufts, in order to service the building, National Grid has to eliminate the existent old style service and install new service which would be located at the southwest end of the garage.

The line will go across the dumpster already located in the parking area. Mr. Tufts said that there is ongoing discussion about the possibility of trucks hitting the line when they empty the dumpster and the possible need for a different system of trash removal.

Mr. Jones asked about parking on Main Street. Mr. Tufts answered that though it is not shown on the drawing, there is parking on Main Street. He showed the board photos of the parking spaces taken at various times throughout the day in order to show that the spaces are seldom used. Mr. Jones pointed out that all parking does not have to be on site and the street parking helps support the parking variance.

Mr. McGinnis asked if Mr. Tufts saw a need for high end apartments and he responded that some high end apartments have been recently constructed in Batavia and some of them were leased before they were even completed. He said also that there are some similar apartments on Clinton Street and there is a waiting list for them. Mr. Tufts said that the apartments have desirable amenities such as walk-in closets, open floor plan, washer and dryer, and a garage. He said that if the number of available apartments was larger there might be cause for concern, but he does not think they will have a problem finding tenants for two apartments.

Mr. Jones asked about paving and Mr. Tufts replied that the parking lot is asphalt. Mr. Jones reported that the Genesee County Planning Board recommended approval with modifications. The board recommended gutters and other modifications necessary to divert water runoff from the roof away from the neighboring properties. Mr. Randall pointed out that putting gutters on a building is a fairly standard recommendation from the board. Mr. Tufts said there would be a drainage control system but it might not necessarily be gutters.

### **3. Public Hearing**

Mr. Jones opened the public hearing at 7:21 pm. Julie Pacatte spoke in support of the project. She stated that the property is within the Batavia Opportunity Area (BOA), a 366-acre area in the central corridor of the City. She explained that this area has been identified as having the potential to make a positive impact on the rest of the community if it can draw investors in. According to Ms. Pacatte, investment in this corner can tip the scales in favor of development of the area which she said she sees as a kind of gateway to opportunity. She pointed out that the Habitat for Humanity has improved two houses in the area.

Ms. Pacatte said that the need for higher end housing has been demonstrated through the neighborhood revitalization program downtown. She said the three of the apartments were leased prior to construction, one was leased within a month after construction, and the final apartment was leased four months after construction. Ms. Pacatte stated that the apartments are at the top of the rental market and all have the amenities that Mr. Tufts spoke of. She pointed out that Mr. Tufts' apartments are larger and would be at the high end of an unproven market, thus demonstrating his willingness to take a risk on the investment. She said that the property is currently assessed at \$140,000 and that she expects the value to at least double, increasing the property value and raising the tax base in the City. Ms. Pacatte said that the

parking variance to allow for possible medical office space is a good idea because the BOA study indicates a demand for medical office space. She finished by saying that based on the BOA study, Mr. Tufts proposal fits in with community improvement plans and BOA plans.

Mr. Jones read the letter from Dr. Fred Powell, 436 Main Street, in which he indicated that he is in favor of the proposal. Mr. Jones moved to close the public hearing at 7:30 pm. Mr. Scott seconded. All voted in favor.

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

Mr. Jones said that his concerns about paving and drainage had been addressed, and that he wanted to emphasize that other properties in the neighborhood had similar setbacks and though it is not shown on the plan, there is existent off-street parking on Main Street.

Motion by: *Edward Jones*

**"I move that the site plan for the two story, 4,682 square foot addition and renovation for the commercial building at 438 East Main Street as presented to the City of Batavia Planning & Development Committee on December 16, 2014 be approved."**

Seconded by: *Jeffrey Scott*

Votes in favor: 4 (Edward Jones, Alfred McGinnis, Duane Preston, Jeffrey Scott)

Votes opposed: 0

Votes abstained: 0

**Result: Site Plan approved.**

#### **5. Recommendation to ZBA**

Motion by: *Edward Jones*

**"I move that the ZBA approve the lot setback and the parking variance."**

Seconded by: *Jeffrey Scott*

Votes in favor: 4 (Edward Jones, Alfred McGinnis, Duane Preston, Jeffrey Scott)

Votes opposed: 0

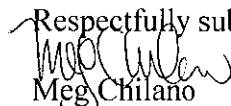
Votes abstained: 0

**Result: Recommendations to ZBA.**

#### **V. Setting of Next Meeting: January 20, 2015**

#### **VI. Adjournment**

Mr. Jones made a motion to close the meeting at 7:35 pm. Mr. Preston seconded. All voted in favor.

Respectfully submitted,  
  
Meg Chilano