

# PLANNING & DEVELOPMENT COMMITTEE

## *MINUTES*

**May 18, 2021**

**6:00 pm**

Council Board Room

One Batavia City Centre, Batavia NY

Members present: *David Beatty, Edward Flynn, John Ognibene, Duane Preston*

Members absent: Matt Gray, Tammy Hathaway

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 6:05 p.m.

### **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 April 20, 2021 meeting minutes.**

### **IV. Proposals**

- A. Area Variance to widen an existing 10' wide Portland cement driveway by placing 11' of Portland cement to the south side of the existing driveway

**Address:** *282 Ross Street.*

**Applicant:** Robert Doty (owner)

- Actions:**
1. Review application
  2. Discussion and recommendation to the ZBA

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

Mr. Doty was not present at the beginning of the meeting. His proposal was reviewed at the end of the meeting in order to give him an opportunity to appear, which he failed to do. Mr. Preston observed that Mr. Doty had proposed to increase by 1'.

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

The board decided that the request was not significant and that they were willing to proceed without Mr. Doty's presence.

**MOTION:** Mr. Beatty moved to recommend approval of the variance to the ZBA; the motion was seconded by Mr. Ognibene, and on roll call, was approved 4-0.

**RESULT: Recommendation to the ZBA for approval of the variance.**

**B. Special Use Permit to convert an existing business office space on the second floor of this three-story building to a one-bedroom “Restricted Residential Use” dwelling unit**

**Address:** 19-21 Jackson Street

**Applicant:** Mary Valle (owner)

**Actions:**

1. Review application
2. Public Hearing
3. Action on Special Use Permit

**1. Review Application**

Mr. Preston read the summary of the proposal.

**2. Public Hearing**

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

**RESULT: Public hearing opened at 6:07 p.m.**

Ms. Valle told the board that she has not been able to rent the commercial space on the second floor since the advent of COVID-19. She said that she would like to convert the commercial space to a one-bedroom apartment, and noted that there are already three apartments in the building, which are always occupied.

Mr. Flynn asked if Ms. Valle intends to make any external changes to the building. She said that only changes to the interior would be made, mostly cosmetic, with an effort to maintain the original integrity of the space.

Mr. Preston asked if the third floor is occupied. Ms. Valle answered that there is already one apartment on the second floor and two apartments on the third floor.

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

**MOTION:** Mr. Flynn moved to close the public hearing; the motion was seconded by Mr. Ognibene, and on roll call, was approved 4-0.

**RESULT: Public hearing closed at 6:10 p.m.**

**3. Special Use Permit**

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

**RESULT: Special Use Permit approved.**

C. Minor Subdivision to divide .081 acres from this 11.142-acre parcel of vacant land. The smaller portion will be merged into an existing .456-acre parcel known as 104 River Street

**Address:** 90 River Street

**Applicant:** Community Care of WNY Inc. (owner)

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

### **1. Review Application**

Mr. Preston read the summary of the proposal. As a member of the Community Care of WNY board, Jay Gsell spoke on behalf of the organization.

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

Mr. Gsell explained that the property had been purchase years ago with the intent to develop the site and create a presence in the community. However, finances will not be conducive to developing the site any time soon.

Mr. Gsell said that the organization is willing to sell this small section of land to Mr. DeJaneiro. He noted that the sliver of land Mr. DeJaneiro wishes to purchase is part of a wetland, with other factors contributing to make it unsuitable for development.

Mr. Flynn asked Mr. DeJaneiro if he treat the land as part of his yard, and Mr. DeJaneiro responded that he has already been mowing that piece of property for over 30 years.

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

**MOTION:** Mr. Ognibene moved to approve the subdivision; the motion was seconded by Mr. Flynn, and on roll call, was approved 4-0.

**RESULT: Minor Subdivision approved.**

D. City Council has been petitioned to amend the current zoning ordinance to include 211 East Main Street in the surrounding C-3 central commercial use district. This parcel is currently designated within the P-2 district (medical campus) and projects into the C-3 district along East Main Street. The west, south, and east lot lines abut the existing C-3 district

**Regarding:** 211 East Main Street

**Actions:** 1. Review petition  
2. Recommendation to City Council

### **1. Review Application**

Mr. Preston read the summary of the petition.

## **2. Discussion and Recommendation to City Council**

Dan Ireland, Executive Director – UMMC, and Steve Tanner, Engineer – Clark Patterson Lee, spoke on behalf of the petition. Mr. Ireland explained that 211 East Main Street is locked between two commercial zones. The YMCA / UMMC project cannot move forward unless the zoning of the property is changed to match the commercial zones of the parcels on either side.

Mr. Flynn asked if there is any reason why the zoning of all three properties cannot be changed to C-3, and Mr. Tanner answered that the City said it could not be done. Mr. Randall indicated that this is not the case, that it would be possible to change the zoning of the three properties to the same district.

Mr. Tanner said that he would prefer that the petition stay as it is currently so that the timing of the project will stay on track for funding purposes.

Mr. Flynn asked if the new building would fit entirely on the footprint of 211 East Main Street. Mr. Tanner stated that the building would occupy the site of 211 and the parcel next to it.

Mr. Randall indicated that there are other property lines to the rear of the project site and asked Mr. Tanner if he is sure that the new building will not encroach on those lines, and Mr. Tanner affirmed that the project would remain entirely within the boundaries of 211 and 213 East Main Street. Mr. Randall said that there would not be any problems as long as the new building is totally within the C districts.

**MOTION:** Mr. Flynn moved to recommend approval of the zoning change to City Council; the motion was seconded by Mr. Beatty, and on roll call, was approved 4-0.

**RESULT: Recommendation to the City Council for approval of the zoning change.**

## **V. Setting of Next Meeting: July 22, 2021**

## **VI. Adjournment**

Mr. Preston moved to adjourn the meeting at 6:28 p.m., and Mr. Beatty seconded the motion. All voted in favor.



Meg Chilano

Bureau of Inspection Secretary