

PLANNING & DEVELOPMENT COMMITTEE

MINUTES

August 21, 2018

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

Members present: *Edward Flynn, Matt Gray (came in at 6:04 p.m.), Robert Knipe, Duane Preston*

Members absent: 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 6:02 pm.

III. Previous Meeting Minutes

There was a correction to the minutes: Matt Gray was not present at the meeting. Mr. Preston assumed the motion and the minutes were approved as corrected by unanimous consent.

RESULT: Approval of June 19, 2018 meeting minutes.

IV. Proposals

Mr. DiLaura was absent when the meeting started. The board proceeded to the second item on the agenda.

- A. Recommendation to the ZBA for an Area Variance: convert a former four-family dwelling into a two-family dwelling with two off street parking spaces in an existing building that occupies most of this parcel

Address: *13 Porter Ave.*

Applicant: Gerald Freeman (agent for owner)

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

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 by the Board

Cheryl Freeman spoke on behalf of the project. She explained that they are trying to salvage their investment in the property and create two apartments from the 8,000 sq.' dwelling. A previous proposal for extra parking spaces was denied by the Zoning Board of Appeals. Now they are seeking relief from the requirement to have two parking spaces for each unit.

Mr. Knipe asked if the area adjacent to the side of the dwelling would be paved, and Ms. Freeman answered yes.

Mr. Flynn asked if the tenants had managed with two parking spaces when there were four units rather than two. Ms. Freeman noted that the majority of their tenants do not own vehicles.

MOTION: Mr. Gray moved to recommend approval of Area Variance for two parking spaces rather than the required four; the motion was seconded by Mr. Knipe, and on roll call, was approved 4-0.

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

B. Special Use Permit: allow for short term "Outside Storage of impounded/accident recovery automobiles as part of a towing operation"

Address: 643 East Main St.
Applicant: Daniel DiLaura (agent for owner)

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

1. Review Application

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

2. Public Hearing and Discussion

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

RESULT: Public hearing opened at 6:10 pm.

Mr. DiLaura explained that the site is a fenced-in area that can barely be seen from the street. Vehicles are towed and stored there until the insurance company signs off. Most vehicles remain there for less than 30 days. He noted that no dismantling of vehicles takes place at the facility.

Mr. Flynn asked if Mr. DiLaura was able to obtain an access agreement, and he responded no. Mr. DiLaura pointed out that he is able to access the property at the present, but that he would like to be able to access it through a different place.

Mr. Flynn asked if the current access is through someone else's property, and Mr. DiLaura said no.

Mr. Knipe asked if Mr. DiLaura is currently using the property for its intended purpose, and he said that he is.

Mr. Preston asked if there is a fence with a locking gate around the property at the moment, and Mr. DiLaura answered yes.

Mr. Preston asked how many vehicles the property can accommodate, and Mr. DiLaura said approximately 20.

Mr. Flynn asked Mr. Randall if it would be possible in the future for Mr. DiLaura to purchase an adjacent property and join the two parcels. Mr. Randall said that the permit is exclusive to this particular parcel.

Mr. Preston asked about lighting, and Mr. DiLaura explained that he is just renting the property at the moment, and is not sure that he wishes to stay there.

Mr. Preston asked if there have been any problems with vandals, and Mr. DiLaura pointed out that there is an 8' tall barbed fence around the property and there have been no problems.

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

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

RESULT: Public hearing closed at 6:18 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. Gray moved to approve a negative declaration of SEQR; the motion was seconded by Mr. Flynn, and on roll call, was approved 4-0.

RESULT: Negative declaration of SEQR

4. Action by the Board

MOTION: Mr. Knipe moved to approve the Special Use Permit; the motion was seconded by Mr. Flynn, and on roll call, was approved 4-0.

RESULT: Special Use Permit approved.

C. Site Plan and Special Use Permit: make changes to a previously approved package

Address: *Ellicott Station.*
Applicant: Samuel Savarino (developer)

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

1. Review Application

Mr. Preston read the summary of the proposed changes. He reported that the Genesee County Planning Board recommended approval with a modification to the front entrance door.

2. Public Hearing and Discussion

MOTION: Mr. Knipe 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 6:23 pm.

Courtney Cox spoke on behalf of the project. He explained that the proposal is for a 5-story 55- unit residential building, a single-story multi-tenant office building, and a brewery/restaurant that will be occupied by Resurgence Brewing Company.

The board asked Mr. Cox to describe the changes from the original proposal:

1. Increase the number of units from 51 to 55

A public source of funding came late to the project, with size restrictions for the units. The decrease in the size of the units allowed for the creation of more units.

Mr. Gray asked about the composition of the additional units but Mr. Cox did not know the answer.

2. The perimeter and shape of the one-story building has changed, and the Ellicott Street-facing doors have been eliminated.

Mr. Cox said that the doors are not included on the Site Plan but they have not been eliminated from the project. He said that the number and placement of doors on Ellicott Street will depend on the configuration of tenants. There will definitely be one door, with a possibility of more.

Mr. Knipe asked about the tenants, and Mr. Cox said that negotiations are taking place and he is not at liberty to say who the tenants are.

3. A playground has been added to the southeast corner of the site.

Mr. Preston asked if it will be fenced in, and Mr. Cox said that there will be a fence. He said that the playground is intended for Kindergarten-age children, must be ADA accessible, be constructed of resilient material, and have a fence around it.

4. The monument sign has been removed from the grassy area between the residential building and the Resurgence Brewing Company.

Mr. Cox said that the sign is the responsibility of Resurgence Brewery Company, who may or may not decide to install a monument sign.

5. Elimination of some landscaping and tree plantings.

Mr. Cox said that some of the landscaping will remain in the plan, while some of the landscaping is left to the preference of the tenants. Mr. Gray said that he likes the landscaping plan in place.

6. Elimination of some of the paved walking surfaces on site.

Mr. Cox indicated that at the intersection of Jackson and Ellicott streets there is a paved circle which will be eliminated to create more park instead of sidewalk.

Mr. Flynn asked about the sewer easements and Rachael Tabelski, Director of the Batavia Development Corporation, answered that the papers will be signed at the next business meeting.

Ms. Tabelski spoke in favor of the project. She noted that the Ellicott Station project has been in the works for two years, the product of many city, state, and agency partnerships. It is the first brownfield site that is being redeveloped as part of the Brownfield Opportunity Area, and state-wide, it is the first project of its kind to have a developer bring it to the construction-ready phase. She expressed her hope that the PDC once again will approve the site plan.

Councilwoman Rose Mary Christian also spoke in favor of the project.

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

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

RESULT: Public hearing closed at 6:50 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 recognize that the SEQR which was approved the previous year, is still acceptable; the motion was seconded by Mr. Gray, and on roll call, was approved 4-0.

RESULT: Acknowledgement of the previously approved negative declaration of SEQR.

4. Action by the Board

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

RESULT: Site Plan approval.

- D. Sign Code Review: City Council has requested that the Planning and Development Committee review the recently adopted sign code to determine if the application and implementation of the new code has been satisfactorily achieved and whether the desired results have been realized. Council wishes for the PDC to make recommendations regarding potential revisions to section 190-43 of the Batavia Municipal Code

Applicant: City Council

Actions: 1. Review application
2. Discussion and recommendation to City Council

1. Review Application

Mr. Randall explained that since the sign code was enacted the previous year, a number of issues have arisen, such as, items needing clarification or errors. There have also been several complaints from companies regarding the new regulations. City Council has requested a determination of the effectiveness of the new code and recommendations for possible changes.

2. Discussion and Action by the Board

Below is a synopsis of the PDC's recommended changes.

- Internally lit signs: substitute the word "darker" for opaque
- Change the definition of free-standing sign, and
- Menu boards should have their own section
- Cross out "building mounted" and insert "wall sign"
- Remove the word "dimensional" – will allow for appeal procedure
- Grandfather in existing non-conforming signs
- Banners should be in exempt section
- Add Open/Close signs to exempt signs
- Awning signs – drop from Square Foot Table
- Sidewalk signs – allow in I zone but not P zone
- In the pole sign section change the second "monument"
- "Projecting light fixtures must not obscure the sign"

Mr. Randall will incorporate the changes into the current sign code for the PDC's perusal at the next meeting.

V. Other/New Business/Updates: none

VI. Setting of Next Meeting: September 18, 2018

VII. Adjournment

Mr. Knipe moved to adjourn the meeting at 7:36 p.m.; the motion was seconded by Mr. Preston. All voted in favor.



Meg Chilano
Bureau of Inspection Secretary