

PLANNING & DEVELOPMENT COMMITTEE

MINUTES

December 18, 2018

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

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

Members absent: Edward Flynn, Marc Staley

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 6:05 pm.

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 November 13, 2018 meeting minutes.

IV. Proposal

Recommendation to the Zoning Board of Appeals for a Use Variance that would permit the addition of a non-permitted-use physician's office in a portion of the building presently used for a "legal non-conforming" philanthropic use (YWCA). It would make sense to also consider including the non-conforming use (philanthropic organization/business/professional offices) for inclusion with this request to ensure those uses will be permitted to continue as conforming uses

Address: *301 North St.*

Applicant: Katherine (Eve) Hens (agent for the YWCA)

- Actions:
1. Review application
 2. Public comment and discussion
 3. Recommendation to the ZBA

1. Review Application

Mr. Preston read the summary of the proposal. Eve Hens spoke on behalf of the YWCA. She noted that the YWCA has always had a commercial use, rather than a residential one. At some point in the Y's history, the zoning district was changed to a residential one, but the use of the

building has never changed. According to Ms. Hens, though the organization is currently breaking even, past management incurred a large amount of debt which must be resolved in order to continue operations. She explained that Dr. Fraser-Branche would like to purchase the building and rent space to the YWCA for its continued use. In order for the sale to go through, the variance is necessary for Dr. Fraser- Branche to use the building for her medical practice.

Mr. Preston asked about My Sisters' Closet, and Ms. Hens explained that it is a thrift store which sells donated women's clothing. The store raises money for the domestic violence program.

Mr. Preston asked about Pathstone, and Ms. Hens said that it is a housing assistance program that maintains an office in the YWCA building, and would continue to do so after the sale.

Mr. Preston asked about the commercial kitchen, and Ms. Hens said that one of the tenants uses the kitchen to prepare food which she sells. It is neither a restaurant nor a soup kitchen.

Mr. Gray asked for some history of the building. Millie Tomidy related that the land was purchased in 1967 after the original YWCA outgrew the building it was using at the time. Unfortunately, the organization has only ever used a small portion of the current building. At the time the property was purchased, the zoning allowed for philanthropic uses. The zoning district was changed to accommodate residential uses some time in the 1980s.

Mr. Gray asked if the YWCA pays taxes, and Ms. Hens answered no, but under the new use it would be placed on the tax roll.

Ms. Hathaway asked about construction, and Dr. Fraser-Branche indicated that she prefers to keep the esthetic of the outside the same, and intends to do very little alteration.

Mr. Gray asked Dr. Fraser-Branche how much the traffic flow would be affected by locating her practice in the YWCA building. She answered that her office times are similar to those of the YWCA, with the exception of Wednesday evening office hours. She noted that there would be a limited number of patients during those hours, with a minimal amount of traffic in and out of the parking area. The office is closed on the weekend. She added that her goal has always been a small intimate practice.

2. Public Comments and Discussion

Mr. Preston invited public comment.

Brenda Ranney, Manhattan Ave., supports the project. She believes it will be a welcome addition to the neighborhood.

Barbara Rumsey, a neighbor of the YWCA, supports the project. However, she expressed concern regarding privacy and dumpster use, and asked the new owners to consider a fence.

Dr. Fraser-Branche addressed the concerns and offered reassurances.

Mr. Preston noted that there are numerous favorable written comments and petitions.

Mr. Gray asked if the variance refers to the property or the building. Mr. Randall clarified that it refers to the property.

Mr. Gray noted that what can be done with the building is limited considering the zoning, and he believes that the proposal is the best thing for the use of the property. He added that he would like to specify that the variance should refer to the building and not the five acres of land on which the building is located.

Mr. Randall said that the board could limit expansion of the current building and stipulate that no new building can take place, and make the recommendation with those conditions.

3. Action by the Board


MOTION: Mr. Gray moved to approve the non-permitted philanthropic use and physicians' office use in reference specifically to the current building with no increase in the square footage. The motion was seconded by Mr. Knipe, and on roll call, was approved 4-0.

RESULT: Special Use Permit approved

V. Setting of Next Meeting: January 15, 2019

VI. Adjournment

Mr. Gray moved to adjourn the meeting at 6:32 p.m.; the motion was seconded by Mr. Knipe. All voted in favor.



Meg Chilano
Bureau of Inspection Secretary