

# PLANNING & DEVELOPMENT COMMITTEE

## *MINUTES*

July 16, 2019

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

Members present: *David Beatty, Matt Gray, Tammy Hathaway, Robert Knipe*

Members absent: Edward Flynn, Duane Preston

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 Acting Chairman Matt Gray declared a quorum.

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

Mr. Gray called the meeting to order at 6:03 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 June 18, 2019 meeting minutes.**

### **IV. Proposals**

- A. Area Variance to widen an existing 24' wide asphalt driveway by placing an additional 15' of asphalt paving for parking on the north side of the existing driveway in the front yard of this property

**Address:** *15 Oak St.*

**Applicant:** James Pontillo (owner)

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

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

Mr. Gray read the summary of the proposal. Mr. Pontillo was available to speak about the project. According to him, the project will not only benefit the tenants, it will also help drivers using the road in front of the dwelling. He pointed out that in front of dwelling, the street opens to two lanes and it becomes hazardous for drivers trying to get into the driveway, and residents of the apartments trying to back out of the driveway. Mr. Pontillo also noted that at certain times of the day, traffic is congested, making it even more difficult for tenants to get in and out of the driveway.

## 2. Discussion and Action by the Board

Mr. Gray asked how long Mr. Pontillo has owned the property, and he told the board he purchased it in 2005.

Mr. Beatty asked how many cars are in the lot at any one time. Mr. Pontillo answered three. The downstairs is a larger apartment and there are generally two vehicles; the upstairs is one-bedroom unit, so there is usually one vehicle. He indicated that the lot is capable of holding six vehicles.

Mr. Gray asked if there is street parking at that location, and Mr. Pontillo responded no.

Mr. Gray pointed out that the PDC will make a recommendation, but it is actually the Zoning Board of Appeals which will make the decision regarding the parking variance. He described the history of the decisions the PDC has made regarding front yard parking. He said during his four-year tenure, the board has neither permitted nor made recommendations for front yard parking; it takes away from the community feel of a neighborhood.

Mr. Beatty asked if Mr. Pontillo had considered a porous paving system. Mr. Pontillo answered that he would not be opposed to a solution considered for esthetic purposes. His major concern is getting something done that will create a safer parking area for the tenants.

Mr. Knipe noted that while he generally agrees with the policy to not allow concrete in front yards, in this case he is sympathetic to the safety issue.

The board discussed approval with modifications which would call for the use of some kind of material other than concrete.

Mr. Pontillo asked if their concern is the esthetics of the project, and offered stamped concrete as a possible solution, however, Mr. Knipe pointed out that even if it is colored, it is still concrete.

**MOTION:** Mr. Knipe moved to recommend approval of the variance to the ZBA with the following modification: a product is used which is designed to be parked on that allows grass to grow through, and does not include stone or gravel. The motion was seconded by Ms. Hathaway, and on roll call, was approved 4-0.

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

B. Area variance to place an additional asphalt parking area parallel to Swan Street on this property located within the Business Improvement District

**Address:** 400 Ellicott St.  
**Applicant:** James Pontillo (owner)

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

**1. Review Application**

Mr. Gray read the summary of the proposal. Mr. Pontillo explained that there is no way to park a vehicle in this area without hanging over the sidewalk.

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

Mr. Gray asked about the reason for not putting the parking area next to the garage. Mr. Pontillo replied that is the loss of the green space.

Mr. Beatty asked if vehicles will park end to end, and Mr. Pontillo said they will.

**MOTION:** Ms. Hathaway moved to recommend approval of the variance to the ZBA; the motion was seconded by Mr. Beatty, and on roll call, was approved 3-1-0.

Votes in favor: 3 (David Beatty, Matt Gray, Tammy Hathaway)

Votes opposed: 1 (Robert Knipe)

Votes abstained: 0

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

C. Erect a fence on this property that is located within the Business Improvement District

**Address:** 219 East Main St.

**Applicant:** Scott Neff (owner)

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

**1. Review Application**

Mr. Gray read the summary of the proposal. He reported that the Genesee County Planning Board recommended approval of the project. Mr. Neff explained that he would like to place approximately 38’ of fence matched to fill a gap in an existing fence.

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

**MOTION:** Ms. Hathaway moved to approve the proposal; the motion was seconded by Mr. Knipe, and on roll call, was approved 4-0.

**RESULT: Permit for fence in the BID approved.**

D. Site Plan Review for a proposed 8,875 sq.’ pre-engineered metal building addition to an existing structure. The addition will be used as a storage space for bare metal products used in manufacturing processes

**Address:** 20 Florence Ave.

**Applicant:** Jake Maurer (contractor for owner)

- Actions: 1. Review application
- 2. Public Hearing
- 3. SEQR
- 4. Discussion and action by the board

### 1. Review Application

Mr. Gray read the summary of the proposal. Tim Hens, engineer for the project, spoke on behalf of the proposal. He explained that the structure is an addition to an existing building, in the same style as that building, and will serve as unheated, covered storage. It will be constructed on an already paved area and tied into existing stormwater facilities.

### 2. Public Hearing

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

**RESULT: Public hearing opened at 6:37 pm.**

There was no one from the public 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 Ms. Hathaway, and on roll call, was approved 4-0.

**RESULT: Public hearing closed at 6:38 pm.**

### 3. SEQR

Mr. Gray 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. Knipe moved to approve a negative declaration of SEQR; the motion was seconded by Ms. Hathaway, and on roll call, was approved 4-0.

**RESULT: Negative declaration of SEQR**

### 4. Discussion and Action by the Board

Mr. Gray asked if any changes were made to the plans since the PDC reviewed the Sketch Plan. Mr. Hens responded that the only change is that a set of bifold doors on the north side will be centered rather than off to the side.

Mr. Gray asked about lighting spilling over into any residential areas, and Mr. Hens said that the lighting will be dark sky compliant.

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

**RESULT: Site Plan approval.**

E. Amend a previously issued building permit to allow for exterior alterations of the front (north) elevation of the commercial building located within the BID

**Address:** 113-119 Main St.

**Applicant:** Joe Condidorio (contractor)

**Actions:**

1. Review application
2. Discussion and action by the board

## 1. Review Application

Mr. Gray read the summary of the proposal. He reported that the Genesee County Planning Board recommended approval of the project.

## 2. Discussion and Action by the Board

Mr. Gray noted that the only change seems to be that the three doors indicated on the right side of the elevation have been replaced by a set of double doors with lights on either side, and an exterior exit door has been removed from the fire wall.

Mr. Randall said that the stairway leading to the exit door has been reconfigured to create more office space and now leads to an interior hallway. Mr. Gray asked if there are any code issues because of the changes, and Mr. Randall answered no.

**MOTION:** Mr. Knipe moved to approve the proposal; the motion was seconded by Ms. Hathaway, and on roll call, was approved 4-0.

**RESULT: Exterior changes approved.**

### F. Subdivide this existing residential use parcel into two separate parcels

**Address:** 376 Bank St.

**Applicant:** Colin Dailey (owner)

**Actions:**

1. Review application
2. Public Hearing
3. SEQR
4. Discussion and action by the board

The applicant was not in attendance to answer the board's questions.

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


**RESULT: Application tabled.**

V. **Other/New Business/Updates:** none

VI. **Setting of Next Meeting:** August 20, 2019

## VII. Adjournment

Mr. Gray moved to adjourn the meeting at 6:57 p.m.

  
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Meg Chilano  
Bureau of Inspection Secretary