

ZONING BOARD OF APPEALS

Minutes

Thursday, July 25, 2019

6:00 pm

Council Board Room

One Batavia City Centre, Batavia, NY

Members present: *Bill Cox (6:20), Nick Harris, Deborah Kerr-Rosenbeck, Paul McCarthy, Leslie Moma, Jim Russell*

Members absent:

Others present: Meg Chilano – Recording Secretary, Doug Randall – Code Enforcement Officer

I. Roll Call

Roll call of the members was conducted. Five members were present and Chairman McCarthy declared a quorum.

II. Call to Order

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

III. Pledge of Allegiance

IV. Approval of Minutes

There were no corrections to the minutes. Mr. McCarthy assumed the motion and the minutes were approved by unanimous consent.

RESULT: Approval of June 27, 2019 minutes.

V. Zoning Board of Appeals statement

Mr. McCarthy explained the role of the Zoning Board of Appeals and the procedures it follows.

VI. Variance Requests

- A. Area Variance: 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 proposal
 2. Public hearing and discussion
 3. Action by the board

- B. Area Variance: place an additional asphalt parking area parallel to Swan Street on this property located within the downtown Business Improvement District (BID)

Address: 400 Ellicott St.
Applicant: James Pontillo, owner

Actions: 1. Review application
2. Action by the board

1. Review Application

Mr. Pontillo was not available to answer questions.

2. Action by the Board

MOTION: Mr. McCarthy moved to table the first two proposals; the motion was seconded by Mr. Harris, and on roll call, was approved 5-0.

RESULT: Proposals for 15 Oak St. and 400 Ellicott St. tabled.

- C. Area Variance: expand an existing deck with new wood frame construction. Portions of the new construction will be located within the required side and rear yard clear spaces

Address: 4 Thomas Ave.
Applicant: Linda Blankenhorn, owner

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

1. Review Application

Ms. Kerr-Rosenbeck read the summary of the proposal. Mr. McCarthy reported that the Genesee County Planning Board recommended approval of the variance.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Ms. Kerr-Rosenbeck, and on roll call, was approved 5-0.

RESULT: Public hearing opened at 6:07 pm.

Mrs. Blankenhorn explained that they are expanding an existing deck to create a little more space.

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

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

1. Review Application

Ms. Kerr-Rosenbeck read the summary of the proposal. Mr. McCarthy reported that the Genesee County Planning Board recommended approval of the project.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Ms. Moma, and on roll call, was approved 3-0.

RESULT: Public hearing opened at 6:15 pm.

Mr. David told the board that the previous canopy had fallen down and needed replacing. He would like to put the business name on a sign on the canopy, and also place two signs with the business logo on the canopy.

Ms. Moma commented that she does not like lighted signs because she believes the illumination is disruptive to the neighborhood.

Mr. McCarthy indicated that the district is a commercial one.

Ms. Kerr-Rosenbeck pointed out the other businesses in the area also have lighted signs.

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

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Ms. Kerr-Rosenbeck, and on roll call, was approved 3-0.

RESULT: Public hearing closed at 6:17 pm.

3. Action by the Board

Mr. McCarthy went through the list of supporting criteria for the variance:

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: no
- Adverse effect or impact on neighborhood/community: no
- Self-created: no

MOTION: Ms. Kerr-Rosenbeck moved to approve the variance, with a 60-day time limit to obtain the permit. The motion was seconded by Mr. McCarthy, and on roll call, was approved 3-0.

RESULT: Approval of Area Variance.

- C. Area Variance: construct a front entry porch and stairs on the front of the dwelling, and a wood-frame deck on the rear of the dwelling. Portions of the new construction will be located within the side and front yard clear spaces

Address: 6 Manhattan Ave.

Applicant: Jaylene Smith-Kilner, Director, Habitat for Humanity

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

1. Review Application

Ms. Kerr-Rosenbeck read the summary of the proposal.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Ms. Moma, and on roll call, was approved 3-0.

RESULT: Public hearing opened at 6:25 pm.

Paul Reiner, construction manager, was available to speak about the project. He explained that the porch will be a replacement for what had been on the house when it was originally constructed. He said that the square footage on the porch has been reduced, and the porch will be no closer to the property line than the old one.

Ms. Moma asked if the new porch will connect to a walkway, and Mr. Reiner said it will.

Ms. Moma asked if the walkway will connect to a sidewalk, and Mr. Reiner said it will.

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

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Ms. Kerr-Rosenbeck, and on roll call, was approved 3-0.

RESULT: Public hearing closed at 6:27 pm.

3. Action by the Board

Mr. McCarthy went through the list of supporting criteria for the variance:

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no
- Self-created: no

MOTION: Ms. Kerr-Rosenbeck moved to approve the variance with 60 days to obtain the permit. The motion was seconded by Mr. McCarthy, and on roll call, was approved 3-0.

RESULT: Area Variance approved.

D. Area Variance: place a 12' x 18' wood-frame carport addition to the west side of the existing garage located on this corner lot property

Address: 121 Elm St.

Applicant: Paul Barrett, owner

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

1. Review Application

Ms. Kerr-Rosenbeck read the summary of the proposal.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Ms. Moma, and on roll call, was approved 3-0.

RESULT: Public hearing opened at 6:29 pm.

Mr. Barrett explained that he would like to put a roof over an existing side parking area. It will be open on all sides except for the garage side. The roof will be shingled the same as the garage and the siding will match the garage.

There was no one present who wished to speak; however, there was a letter and an email. Mr. McCarthy read both into the minutes.

The letter was from Leonard Clark, 119 Elm Street. Mr. Clark spoke against the project.

The email was from Stephen Beswick. Mr. Beswick spoke against the project.

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Ms. Kerr-Rosenbeck, and on roll call, was approved 3-0.

RESULT: Public hearing closed at 6:39 pm.

Ms. Moma and Ms. Kerr-Rosenbeck agreed that they did not have a problem with the proposal.

3. Action by the Board

Mr. McCarthy went through the list of supporting criteria for the variance:

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: not substantial

- Adverse effect or impact on neighborhood/community: no
- Self-created: no

MOTION: Mr. McCarthy moved to approve the variance with 60 days to obtain the permit. The motion was seconded by Ms. Moma, and on roll call, was approved 3-0.

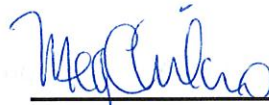
RESULT: Area Variance approved.

VII. New Business: none

VIII. Setting of Next Meeting: July 25, 2019

IX. Adjournment

Mr. McCarthy moved to adjourn the meeting at 6:51 pm; Ms. Kerr-Rosenbeck seconded. All voted in favor.



Meg Chilano

Bureau of Inspection Secretary