



**BATAVIA CITY COUNCIL  
SPECIAL BUSINESS MEETING**

**City Hall - Council Board Room  
One Batavia City Centre  
Monday, January 22, 2024 at 7:00 p.m.**

**AGENDA**

- I. Call to Order
- II. Assignment of Agenda Items
- III. New Business
  - #9-2024 A Resolution Establishing The City Of Batavia As Lead Agency Under The State Environmental Quality Review Act (“SEQR”) And Issuing A Negative Declaration
  - #10-2024 An Ordinance To Amend The City Of Batavia Zoning Code Chapter 190 To Add “Professional Offices” As An Allowed Use In R1A, R2, And R3 With A Special Use Permit And To Amend The Special Use Permit Standards Of Chapter 190-37 (B) Of The City Of Batavia Zoning Code
  - #11-2024 A Resolution To Discontinue The Public Use And To Authorize The Council President To Sign Agreements For The Sale Of Tax Foreclosure Parcels
  - #12-2024 A Resolution Authorizing Use Of \$55,500 Administrative Reserve To Upgrade The Fire Department Software System And Amend The 23/24 Budget
  - #13-2024 A Resolution To Accept The Community Development Block Grant, To Authorize The Council President To Execute The Grant Agreement And Amend The 2023/2024 Budget
  - #14-2024 A Resolution Approving The Collective Bargaining Agreement With The International Association Of Fire Fighters (IAFF)
  - #15-2024 A Resolution Approving The Collective Bargaining Agreement With The American Federation Of State, County And Municipal Employees (AFSCME)

#16-2024      A Resolution To Create A Zoning Code Update Committee And To  
Appoint Members

IV.      Adjournment

**#9-2024**

**A RESOLUTION ESTABLISHING THE CITY OF BATAVIA AS LEAD AGENCY  
UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (“SEQR”)  
AND ISSUING A NEGATIVE DECLARATION**

**Motion of Councilmember**

**WHEREAS**, the City of Batavia has proposed to amend the Batavia Municipal Code §190-11, and §190-37 to allow professional offices within R-1A, R-2, and R-3 Residential Use districts by issuance of Special Use Permits; and

**WHEREAS**, the amendments to the City’s zoning ordinance Section §190-11, and §190-37, is an UNLISTED action under SEQR; and

**WHEREAS**, in accordance with SEQR the City Council of the City of Batavia has declared its intent to act as lead agency for the Action; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia in accordance with SEQR and 6 NYCRR §617.6 hereby establishes itself as Lead Agency for the purpose of completing SEQR review of the amendment to the City’s Batavia Municipal Code; Chapter 190 Section 190-11 and 190-37; and

**BE IT FURTHER RESOLVED**, that the City Council of the City of Batavia, having reviewed the SEQR environmental assessment form and supporting documents hereby issues a negative declaration on this unlisted action in accordance with 6 NYCRR §617.6; and

**BE IT FURTHER RESOLVED**, the City Council does hereby authorize and direct the City Clerk to duly file this Negative Declaration.

**Seconded by Councilmember  
And on roll call**

**#10-2024**

**AN ORDINANCE TO AMEND THE CITY OF BATAVIA ZONING CODE CHAPTER 190 TO ADD “PROFESSIONAL OFFICES” AS AN ALLOWED USE IN R1A, R2, AND R3 WITH A SPECIAL USE PERMIT AND TO AMEND THE SPECIAL USE PERMIT STANDARDS OF CHAPTER 190-37 (B) OF THE CITY OF BATAVIA ZONING CODE**

**Motion of Councilmember**

**WHEREAS**, a proposed Ordinance entitled “A RESOLUTION TO AMEND THE CITY OF BATAVIA ZONING CODE CHAPTER 190 TO ADD “PROFESSIONAL OFFICES” AS AN ALLOWED USE IN R1A, R2, AND R3 WITH A SPECIAL USE PERMIT AND TO AMEND THE SPECIAL USE PERMIT STANDARDS OF CHAPTER 190-37 (B) OF THE CITY OF BATAVIA ZONING CODE” was introduced before the City Council of the City of Batavia, New York; and

**WHEREAS**, copies of the aforesaid proposed Ordinance were laid upon the desk of each member of the City Council; and

**WHEREAS**, that the City Council held a public hearing on said proposed Ordinance at the City Hall, One Batavia City Centre, Batavia, New York, at 7:00 P.M. on Monday, January 8, 2024; and

**WHEREAS**, the City Clerk published a public notice in the official newspaper of the City of said public hearing at least five days prior thereto; and

**NOW THEREFORE, BE IT RESOLVED**, that the City Council Adopts Ordinance #1-2024 entitled An Ordinance To Amend The City Of Batavia Zoning Code Chapter 190 To Add “Professional Offices” As An Allowed Use In R1A, R2, And R3 With A Special Use Permit And To Amend The Special Use Permit Standards Of Chapter 190-37 (B) Of the City Of Batavia Zoning Code

**Seconded by Councilmember  
and roll call**

**ORDINANCE #002-2023**

**AN ORDINANCE TO AMEND THE CITY OF BATAVIA ZONING CODE CHAPTER 190 TO ADD “PROFESSIONAL OFFICES” AS AN ALLOWED USE IN R1A, R2, AND R3 WITH A SPECIAL USE PERMIT AND TO AMEND THE SPECIAL USE PERMIT STANDARDS OF CHAPTER 190-37 (B) OF THE CITY OF BATAVIA ZONING CODE**

**SECTION 1. AMENDMENT OF ZONING CODE 190-9 (R2 RESIDENTIAL DISTRICTS)**

190-9 R-2 Residential Districts

In R-2 Residential Districts, no building or structure shall be erected, altered, or extended, and no land, building, structure, or part thereof shall be used for other than one or more of the following uses:

**A.**

Permitted principal uses.

**(1)**

Any principal use permitted in R-1 Residential Districts and two-family dwellings.

[Amended 10-25-1999]

**(2)**

Hospital, day nursery, sanitarium, nursing or convalescent home for the treatment of human beings, philanthropic or eleemosynary institutions, other than a penal or correctional institution.

[Amended 3-9-1981]

**(3)**

Boardinghouse, lodging house, rooming house, tourist home, but not tourist camps or cabins. Effective July 1, 2015, boardinghouse, lodging house, rooming house and tourist home will not be a permitted principal use for new applications. Only existing permits prior to July 1, 2015, will be authorized.

[Amended 7-13-2015 by L.L. No. 2-2015]

**B.**

Permitted accessory uses.

**(1)**

Such accessory uses as are customarily incidental to the above uses including home occupations and home professional uses subject to the provisions of § **190-35** excepting physicians' and dentists' offices.

**(2)**

Off-street parking, subject to the provisions of § **190-39**.

**(3)**

Signs subject to the provisions of § 190-43.

**C.**

Uses permitted with special use permit.

**(1)**

Municipal or public utility structures, and/or facilities when necessary for the service of a neighborhood and of a kind and character in keeping with the residential character of the neighborhood.

(2) Existing buildings or portions of buildings may be repurposed for professional office uses including, but not limited to, attorneys, physicians, dentists, architects, engineers, and similar professions determined by the Planning and Development Committee to have little or no negative impact on the residential neighborhood. Proposed uses shall be in compliance with the standards of 190-37 B (1-10) and 190-37 K (1-14).

**SECTION 2. AMENDMENT OF ZONING CODE 190-10 (R3 RESIDENTIAL DISTRICTS)**

190-10 R-3 Residential district

In R-3 Residential Districts, no building or structure shall be erected, altered, or extended, and no land, building, structure or part thereof shall be used for other than one or more of the following uses:

**A.**

Permitted principal uses.

**(1)**

Any principal use permitted in R-2 Districts.

**(2)**

Fraternity, sorority, dormitory, club house, except a club the chief activity of which is a service customarily carried on as a business.

**(3)**

Private Nursery school or kindergarten

**B.**

Permitted accessory uses.

**(1)**

Such accessory uses as are customarily incidental to the above uses, including home occupations and home professional uses subject to the provisions of § 190-35.

**(2)**

Off-street parking, subject to provisions of § 190-39.

**(3)**

Signs subject to the provisions of § 190-43.

**C.**

Uses permitted with special use permit.

**(1)**

Municipal or public utility structures, and/or facilities when necessary for the service of a neighborhood and of a kind and character in keeping with the residential character of the neighborhood.

(2) Existing buildings or portions of buildings may be repurposed for professional office uses including, but not limited to, attorneys, physicians, dentists, architects, engineers, and similar professions determined by the Planning and Development Committee to have little or no negative impact on the residential neighborhood. Proposed uses shall be in compliance with the standards of 190-37 B (1-10) and 190-37 K (1-14).

(3) High-rise apartments

(4) Large-scale multifamily developments.

**SECTION 3. AMENDMENT OF ZONING CODE 190-11 (R-1A RESIDENTIAL DISTRICTS)**

190-11 R-1A Residential district

In R-1A Residential Districts, no building or structure shall be erected, altered, or extended, and no land, building, structure or part thereof shall be used for other than one or more of the following uses:

**A.**

Permitted principal uses.

**(1)**

Single-family dwelling.

**(2)**

Two-family dwelling.

**(3)**

Church or other place of worship, convent, parish house, cemetery.

**(4)**

Public park not conducted for profit, public playground or athletic field and field house or other accessory buildings.

**(5)**

Golf course, except a miniature golf course operated on a commercial basis.

**(6)**

Agricultural operations, including gardens, nurseries, greenhouses and usual buildings or structures. No greenhouse heating plant shall be less than 100 feet from any lot line.

**B.**

Permitted accessory uses.

**(1)**

Such accessory uses as are customarily incidental to the above uses, subject to the provisions of § 190-35.

**(2)**

Off-street parking, subject to provisions of § 190-39.

**(3)**

Signs subject to the provisions of § 190-43.

**C.**

Uses permitted with special use permits.

**(1)**

Municipal or public utility structures or facilities when necessary for the service of a neighborhood and of a kind and character in keeping with the residential character of the neighborhood.

(2) Existing buildings or portions of buildings may be repurposed for professional office uses including, but not limited to, attorneys, physicians, dentists, architects, engineers, and similar professions determined by the Planning and Development Committee to have little or no negative impact on the residential neighborhood. Proposed uses shall be in compliance with the standards of 190-37 B (1-8) and 190-37 K (1-14).

**SECTION 4. AMENDMENT OF ZONING CODE 190-37 B (1-10) (SPECIAL USE PERMITS)**

190-37 Special Use Permits

B. Professional offices. Professional offices may be allowed in certain residential districts, provided that:

- (1) A minimum area of 10,000 square feet with 75 feet of frontage shall be provided.
- (2) Not more than 30% of the lot shall be covered by building area.



- (3) Minimum setbacks of 35 feet for rear and front yards and a minimum of 12 feet for one side yard and a total of 25 feet for both side yards shall be required for all new construction.
- (4) On an existing structure which is connected and providing no additions are required, the Planning and Development Committee shall determine that the proposed use and structure will not be detrimental to adjoining properties.
- (5) Off-street parking shall be provided at a rate determined by the Planning and Development Committee to be appropriate for the specific use or uses proposed. At a minimum, one space for each employee shall be provided. The provisional parking requirements of BMC 190-39 shall serve as a guide in determining appropriate off-street parking. No parking shall be permitted within any portion of the front yard.
- (6) Where a parking area is located within 20 feet of a residential property, continuous solid screening of fencing and/or coniferous plantings at least 6 feet in height shall be placed and maintained between the parking spaces and the neighboring residential use property. Parking area access ways shall not be required to be screened.
- (7) No more than four professional offices shall occupy one building.
- (8) If the proposed use is to be located in a residential building, the residential facade shall be maintained.
- (9) a) For existing buildings on approved parcels, the applicant shall submit for review, a scale site plan not to exceed 1 inch equals 50 feet. The plan shall contain the following information:
  - 1) Property survey
  - 2) Principal and accessory structure locations and dimensions
  - 3) Parking areas, quantities, and screening details
  - 4) Sidewalks and driveways/parking area access ways
  - 5) Exterior lighting
  - 6) Refuse storage plan and enclosure details. Dumpsters are not permitted within residential use districts.
  - 7) Signs
  - 8) Existing and proposed vegetation
  - 9) Storm water drainage
- b) New construction requires site plan submittal and review in compliance with BMC 190-44 C(1).

10) Outdoor storage, including but not limited to; any type material, vehicle, or equipment, not specifically allowed by issuance of the special use permit, is not permitted.

#### **SECTION 5. EFFECTIVE DATE**

This Ordinance shall take effect immediately after the date of passage and in accordance with law.

#11-2024

**RESOLUTION TO DISCONTINUE THE PUBLIC USE AND TO AUTHORIZE THE COUNCIL PRESIDENT TO SIGN AGREEMENTS FOR THE SALE OF TAX FORECLOSURE PARCELS**

**Motion of Councilmember**

**WHEREAS**, the City foreclosed on 637 East Main St, 404 South Jackson St, 202 Swan St, 41 Central Ave, and 109 Evans St for non-payment of property taxes; and

**WHEREAS**, documentation was sent to Bontrager Real Estate & Auction Service, Inc. regarding the properties; and

**WHEREAS**, a Public Real Estate Auction was held online at Bontrager's Auction Center on from November 22, 2023 to December 13, 2023; and

**WHEREAS**, the highest bids received for the auctioned properties are as follows:

Property	Highest Bidder	Highest Bid
1) 637 East Main St	Dan's Impound LLC	\$5,000
2) 404 South Jackson St	Timothy Beers	\$13,500
3) 202 Swan St	Starr Road Properties LLC	\$55,000
4) 41 Central Ave	Timothy McCarthy & Hong Thidiem Nguyen	\$35,000
5) 109 Evans St	Christian Guaman Cela	\$17,500

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia, that it discontinues the public use of said properties and authorizes the City Council President to sign all necessary and appropriate closing documents, including Quit Claim deeds, to convey the property to the highest bidders for all properties, subject to purchasers' execution of Contracts of Sale that are satisfactory to the City Attorney's Office.

**Seconded by Councilmember  
and on roll call**

#12-2024

**A RESOLUTION AUTHORIZING USE OF \$55,500 ADMINISTRATIVE RESERVE TO UPGRADE THE FIRE DEPARTMENT SOFTWARE SYSTEM AND AMEND THE 23/24 BUDGET**

**Motion of Councilmember**

**WHEREAS**, pursuant to General Municipal Law 6-c the City of Batavia has an established the Administrative Reserve Fund; and

**WHEREAS**, the Administrative Reserve Fund has a current balance of approximately \$474,523.00; and

**WHEREAS**, the City Fire Department currently contracts with First Due for software to aid in fire call management; and

**WHEREAS**, the need to upgrade the Fire Department software system to handle the demands of State and Federal Compliance and Documentation, Asset Inventory Management, Shift Scheduling and CAD Integration is becoming increasingly important to maintain effective management of the Fire Department, and

**WHEREAS**, the City has received a quote for a five year agreement for \$55,455 from First Due, for the implementation and service of the necessary software; and

**WHEREAS**, considering these upgrades are similar to capital purchases, utilizing reserve funds will allow these improvements to take place without impacting the City's operating budget; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia does hereby authorize the use of \$55,500 from the Administrative Reserves to cover the cost of the software updates and make the following budget amendment to the 2023/2024 budget, effective January 22, 2024; and

**BE IT FURTHER RESOLVED**, the transfer of funds to the Administrative Reserve Fund is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Well-Managed City strategic priority.

**Increase Revenue:**

A. 00.0000.0000 0511-2112 Administrative Reserve \$55,500

**Increase Expense:**

A.05.3410.3410 200-2112 Fire Equipment Administrative Reserve \$55,500

**Second by Councilmember  
and on roll call**

**#13-2024**

**A RESOLUTION TO ACCEPT THE COMMUNITY DEVELOPMENT BLOCK GRANT,  
TO AUTHORIZE THE COUNCIL PRESIDENT TO EXECUTE THE GRANT  
AGREEMENT AND AMEND THE 2023/2024 BUDGET.**

**Motion of Councilmember**

**WHEREAS** the City received a \$350,000 Community Development Block Grant to execute a Housing Rehabilitation Program for Single Family Housing; and

**WHEREAS**, the project will assist ten low-to-moderate income single family households with essential home rehabilitation projects; and

**WHEREAS**, to properly account for the expenditure of this money, a budget amendment needs to be made; and

**NOW THEREFORE BE IT RESOLVED**, by the Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget amendment to the 2023-2024 budget to execute the CDBG Housing Rehabilitation Project:

Increase expenditure accounts

A.01.6460 499-241203	\$350,000
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Increase revenue accounts

A.00.0000.0000 4989-241203	\$350,000
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**NOW THEREFORE, BE IT FURTHER RESOLVED**, that the City Council of the City of Batavia accepts the grant award and authorizes the Council President to execute all necessary documents to receive the grant.

**Seconded by Councilmember  
and on the roll call**

**#14-2024**

**A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT  
WITH THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF)**

**Motion of Councilmember**

**WHEREAS**, the City of Batavia and the IAFF have had collective bargaining sessions;  
and

**WHEREAS**, the parties have since been able to negotiate a tentative collective bargaining  
agreement; and

**WHEREAS**, City Council is of the opinion that it is in the best interest of the City of  
Batavia to approve the tentative collective bargaining agreement as negotiated; and

**WHEREAS**, on January 22, 2024 the IAFF Union secured the necessary votes to ratify  
the tentative agreement; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council President be and is  
hereby authorized and directed to execute said collective bargaining agreement.

**Seconded by Councilmember  
and on roll call**

**#15-2024**

**A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT  
WITH THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL  
EMPLOYEES (AFSCME)**

**Motion of Councilmember**

**WHEREAS**, the City of Batavia and AFSCME have had collective bargaining sessions;  
and

**WHEREAS**, the parties have since been able to negotiate a tentative collective bargaining  
agreement; and

**WHEREAS**, City Council is of the opinion that it is in the best interest of the City of  
Batavia to approve the tentative collective bargaining agreement as negotiated; and

**WHEREAS**, on January 11, 2024 the AFSCME Union secured the necessary votes to  
ratify the tentative agreement; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council President be and is  
hereby authorized and directed to execute said collective bargaining agreement.

**Seconded by Councilmember  
and on roll call**

**#16-2024**

**A RESOLUTION TO CREATE A ZONING CODE UPDATE COMMITTEE AND TO APPOINT MEMBERS**

**Motion of Councilmember**

**WHEREAS**, City Council of the City of Batavia committed \$75,000 from the General Fund Unassigned Fund Balance to complete the update of the City's Zoning Code; and

**WHEREAS**, the City is desirous of forming the Zoning Code Update Committee and appoint members to begin the review process; and

**WHEREAS**, the Committee is advisory only and can only make recommendations to City Council and City Council retains decision making authority; and

**WHEREAS**, to solicit interested committee members City Manager invited members of the Planning and Development Committee, the Zoning Board of Appeals and the Historic Preservation Commission, as well as other citizens who have indicated their interest in the process and serving on the Committee to express their interest to her office.

**NOW, THEREFORE, BE IT RESOLVED**, that City Council of the City of Batavia hereby creates the Zoning Code Update Committee; and

**BE IT FURTHER RESOLVED**, that the City Council appoints the following City Residents to the Committee:

**Zoning Code Update Committee**

Leslie Moma

David Beatty

Jeffrey Gillard

Matt Gray

Zeke Lynn

Appointed Councilmember; and

**BE IT FURTHER RESOLVED**, that City staff will assist the Committee with preparing the Zoning Code Update to include activities such as, but not limited to, hiring an Engineering/Planning consultant for the update, data collection and analysis, community engagement, and any additional activities related to an necessary for preparing and updated Zoning Code for City Council review; and

**BE IT FURTHER RESOLVED**, the Zoning Code Update has been identified as a strategic priority by the City Council.

**Seconded by Councilmember  
and on roll call**