

PLANNING & DEVELOPMENT COMMITTEE

Tuesday, October 17, 2023

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

AGENDA

- I. Roll Call
- II. Call to Order
- III. Approval of Minutes – 9/19/23
- IV. Proposals

Address: 218 Ellicott Street

Applicant: Kenneth Pagels (owner)

Proposal: Remove an existing chain-link fence and install a new wood fence along the front and rear lot lines of this parcel located within the Central Commercial District (BID)

Actions:

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

Regarding:

City Council was petitioned to amend the current zoning of 4 Mix Place from R-1A to R-3. The change to R-3 and issuance of a special use permit supports the petitioners desire to utilize the existing one-family dwelling as an office for an architectural firm. The PDC previously recommended that Council consider approving the request.

City Council is now seeking recommendation from the PDC that would amend the permitted uses within the R-1A zoning use district to approve professional office uses for attorneys, physicians, dentists, architects, engineers, and other similar professions, with issuance of a Special Use Permit.

Updates to the special use requirements of BMC 109-37 are also being considered and have been attached for your review.

- VI. Setting of Next Meeting: November 14, 2023
- VII. Adjournment

PLANNING & DEVELOPMENT COMMITTEE

DRAFT MINUTES

Tuesday, September 19, 2023

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

Members present: *David Beatty, Derek Geib, Jim Krencik, John Ognibene, Duane Preston*

Members absent: Ed Flynn

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 Duane Preston declared a quorum.

II. Call to order

Mr. Preston called the meeting to order at 6:00 p.m.

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 August 15, 2023 meeting minutes.

IV. Proposals

- A. Remove an existing 21'-wide asphalt driveway and place 36' of Portland cement in the front yard to create a new driveway

Address: *7 Hillside Drive*

Applicant: Daniel Koladzinski

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

1. Review Application

Mr. Preston read the summary of the application.

Mr. Koladzinski told the board that he did not want to wait for the permit and that the driveway has already been completed.

2. Discussion and Recommendation to the ZBA

The PDC decided to treat the application as if the project was not completed. After discussion, the board agreed that the driveway is similar to others in the neighborhood, is not a substantial increase in size, and parking is to the side of the house and not directly in front.

MOTION: Mr. Beatty moved to recommend approval to the ZBA; the motion was seconded by Mr. Ognibene and on roll call, was approved 5-0.

RESULT: Recommend approval of the area variance to the ZBA.

B. Area Variance for the reduction in required off-street parking (for the construction of a 3,140 sq.’ restaurant with drive-through service)

Address: 301-305 West Main Street

Applicant: Peter Sorgi, Esq. (agent for owner)

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

1. Review Application

Mr. Preston read the summary of the application.

2. Discussion by the Board

Mr. Sorgi and Mr. Beechel were present to speak about the variance. Mr. Sorgi explained that the parking had been compliant in the Sketch Plan presented to the PDC at the previous meeting. In response to the PDC’s request for increased landscaping, the applicant reduced the parking by six spaces, which will require a variance.

MOTION: Mr. Geib moved to recommend approval to the ZBA; the motion was seconded by Mr. Krencik and on roll call, was approved 5-0.

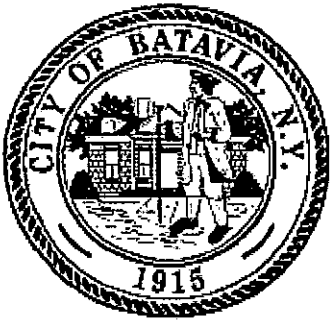
RESULT: Recommend approval of the area variance to the ZBA.

V. Setting of Next Meeting: October 17, 2023

VI. Adjournment

Mr. Preston moved to adjourn the meeting at 6:14 p.m., and Mr. Beatty seconded the motion. All voted in favor.

Meg Chilano
Recording Secretary



City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020 (585)-345-6345 (585)-345-1385 (fax)

To: Planning and Development Committee
From: Doug Randall, Code Enforcement Officer
Date: 10/10/23
Re: Amendment to zoning regarding special uses

City Council was petitioned to amend the current zoning of 4 Mix Pl. from R-1A to R-3. The change to R-3 and issuance of a special use permit supports the petitioners desire to utilize the existing one family dwelling as an office for an architectural firm. The PDC previously recommended Council consider approving the request.

City Council is now seeking recommendation from the PDC that would amend the permitted uses within the R-1A zoning use district to approve professional office uses for attorneys, physicians, dentists, architects, engineers, and other similar professions with issuance of a Special Use Permit.

Updates to the special use requirements of BMC 190-37 are also being considered and have been attached for your review.

Review Procedures:

City Planning and Development Committee- Pursuant to City Charter chapter 13-3, the Planning and Development Committee shall serve in an advisory capacity to City Council and make recommendations regarding proper use of private lands as outlined in the comprehensive plan.

The PDC should consider, at a minimum;

- 1) Whether professional office should be an approved use in the R-1A with issuance of a special use permit.
- 2) What restrictions or conditions should be placed on this type of use in the R-1A.
- 3) Whether changes to the special use permit standards of BMC 190-37 B are necessary.
- 4) What changes to the special use standards should be considered.

#99-2023

**A RESOLUTION REFERRING ZONING CODE AMENDMENTS TO THE PLANNING
AND DEVELOPMENT COMMITTEE**

Motion of Councilmember

WHEREAS, the City Council is desirous of reviewing potential amendments to Chapter 190 Zoning Article IX Subsection 190-37 Special use permits and Chapter 190 Zoning Subsection 190-11; and

WHEREAS, amend Chapter 190 Zoning Article IX Subsection 190-37 Special use permits and Chapter 190 Zoning Subsection 190-11 to permit professional office use in existing buildings, on properties, that meet specific standards; and

WHEREAS, under the City Charter § 13-3 the City Planning and Development Committee shall have such powers and duties to serve in an advisory capacity and provide such advice as to assist the City Council in developing a strategy that interprets, plans and leads in the implementation of land use matters relating to public and private development within the City of Batavia; and

WHEREAS, General City Law – (GCL) § 27 provides City Council with the authority to refer matters to the Planning and Development Committee requesting reviews and recommendations regarding planning and development within the City of Batavia; and

WHEREAS, BMC § 190-51 provides that City Council may make zoning district classification changes pursuant to GCL § 83 after review and report on the proposed amendment by the Planning and Development Committee.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia hereby requests that the City Planning and Development Committee review potential amendments to Chapter 190 Zoning Article IX Subsection 190-37 Special use permits and Chapter 190 Zoning Subsection 190-11, and make a recommendation to the City Council for consideration within thirty days of referral.

**Seconded by Councilmember
and on roll call**

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.

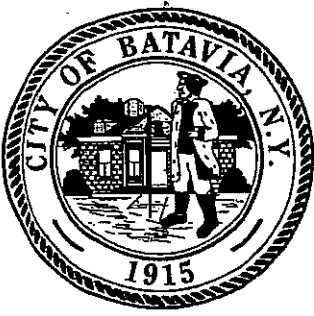
(2) Existing buildings or portions of buildings may be repurposed for professional office uses including, but not limited to, attorneys, physicians, dentists, architects, engineers, and similar professions determined by the Planning and Development Committee to have little or no negative impact on the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

Bold Italicized = New text

190-37 Special Use Permits

B. Professional offices. Professional offices ~~for attorneys, physicians and/or dentists may be permitted by special use permit in the R-3 Residential District~~ may be allowed in certain residential districts, provided that:

- (1) A minimum area of 150,000 square feet with 75-100 feet of frontage shall be provided.
- (2) Not more than 30% of the lot shall be covered by building area.
- (3) ~~A minimum~~ 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 City Council Planning Board 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 of one space per 150 square feet of floor area or fraction thereof.~~ No parking shall be permitted within any portion of the front yard.
- (6) Where a parking area ~~for four or more cars~~ adjoins a residential property, a planted buffer strip at least 10 feet wide shall be provided between the parking area and the adjoining property.
- (7) No more than four ~~physicians or dentists~~ 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) All offices are subject to site plan review.



City of Batavia

August 16, 2023

Batavia City Council
One Batavia City Centre
Batavia NY 14020

Dear Council President:

During its regularly scheduled meeting of August 15, 2023, per Council request, the Planning and Development Committee reviewed the zoning of 4 Mix Pl. and text of Batavia Municipal Code 190-10 C(2).

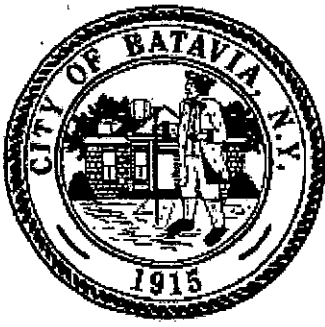
After discussion, a motion was supported to recommend Council consider amending the zoning of properties 4 and 3 Mix Pl. and to include them within the R-3 residential use district abutting 3 Mix Pl. to the southwest. It was determined that changing the zoning of 1 Mix Pl. would not be necessary for the petitioners intention of rezoning 4 Mix.

The PDC also recommends amending BMC 190-10 C (2) to include the wording "*and other similar professionals*" with the listing of approved Special Use Permit uses.

Please feel free to contact me if you have any questions regarding this matter.

Respectfully submitted,

Duane Preston
PDC Chairman



City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020 (585)-345-6345 (585)-345-1385 (fax)

To: Planning and Development Committee
From: Doug Randall, Code Enforcement Officer
Date: 7/31/23
Re: 4 Mix Pl. (84.006-4-28)
3 Mix Pl. (84.040-1-2)
1 Mix Pl. (84.040-1-3)
Zoning: R-1A

The applicant Edwin Smart, owner of 4 Mix Pl. has filed a petition with City Council to amend the zoning ordinance to include the above listed parcels within the R-3 zoning use district.

The applicant desires to remodel 4 Mix Pl. and convert this one family dwelling into a professional architectural office building. With issuance of a special use permit, the R-3 residential use district permits "*Offices for attorneys, physicians, and/or dentists, not exceeding four offices in a single structure.*". The use of architect's office is not included in the listing of approved uses. The applicant is also requesting the phrase "*and other similar professionals*" be included in the text of BMC 190-10 C (2).

City Council has requested the Planning and Development Committee review these requests and make recommendations for their consideration.

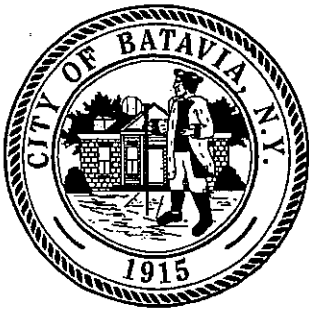
Review Procedures:

City Planning and Development Committee- Pursuant to City Charter chapter 13-3, the Planning and Development Committee shall serve in an advisory capacity to City Council and make recommendations regarding proper use of private lands as outlined in the comprehensive plan.

BMC 190-51 If the PDC fails to file a report within thirty days after referral, the proposed amendment shall be deemed approved, and City Council may proceed.

Note: These requests will be referred to Genesee County Planning for review prior to Council action.

City Council will be the lead agency to conduct SEQR.



City of Batavia

Memorandum

To: Rachael J. Tabelski, MPA, City Manager
From: Brett J. Frank, Director of Public Works
Date: June 19, 2023
Subject: Petition to Re-Zone 1, 3, and 4 Mix Place

Edwin Smart, sole member of Plansmart LLC, currently owns a parcel of land located at 4 Mix Place.

Mr. Smart has submitted a petition to re-zone this parcel from an R-1A to an R-3 residential designation and to Amend Section 190-(c)(2) to read: “Offices for attorneys, physicians, dentists, and other similar professionals, not exceeding four offices in a single structure.” (Currently, City Code reads: “Offices for attorneys, physicians, and/or dentists, not exceeding four offices in a single structure.”)

4 Mix Place is not directly adjacent to the R-3 District. If this application is granted, the parcels at 1 Mix Place and 3 Mix Place would also need to be included in the R-3 Zone. Both properties are owned by MJO Properties, LLC. 1 Mix Place is a single-family residence, and 3 Mix Place is a two-building, eight-unit apartment building. 3 Mix Place is a prior, non-conforming use in its current R1-A District. If this application were granted, it would bring 3 Mix Place into zoning compliance as part of the R-3 District.

Attached is the Petition to Re-Zone for your review, and the current zoning map.

As New York Consolidated Laws, General City Law - GCT § 27 provides City Council with the authority to refer matters to the Planning and Development Committee, I recommend that Council refer this petition to the City of Batavia Planning and Development Committee for review and recommendation.

#71-2023

A RESOLUTION REFERRING THE PETITION TO REZONE 1, 3, AND 4 MIX PLACE TO THE PLANNING AND DEVELOPMENT COMMITTEE AND TO REFER A ZONING CODE UPDATE AMENDING CHAPTER 190-(C)(2)

Motion of Councilmember Viele

WHEREAS, the City Council is desirous of reviewing amendments to a zoning district classification pursuant to the Batavia Municipal Code (BMC) §190-51, in response to a petition from the City Manager's Office requesting three parcels, 1, 3, and 4 Mix Place, to be re-zoned from R-1A (Residential District) to R-3 (Residential District); and

WHEREAS, The City Council is desirous of reviewing and amending zoning code Section 190-10(C)(2) to read: "Offices for attorneys, physicians, dentists, and other similar professionals, not exceeding four offices in a single structure". Currently, the code reads: "Offices for attorneys, physicians, and/or dentists, not exceeding four offices in a single structure."; and

WHEREAS, under the City Charter § 13-3 the City Planning and Development Committee shall have such powers and duties to serve in an advisory capacity and provide such advice as to assist the City Council in developing a strategy that interprets, plans and leads in the implementation of land use matters relating to public and private development within the City of Batavia; and

WHEREAS, General City Law – (GCL) § 27 provides City Council with the authority to refer matters to the Planning and Development Committee requesting reviews and recommendations regarding planning and development within the City of Batavia; and

WHEREAS, BMC § 190-51 provides that City Council may make zoning district classification changes pursuant to GCL § 83 after review and report on the proposed amendment by the Planning and Development Committee.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia hereby requests that the City Planning and Development Committee review a Petition to Re-Zone 1, 3, and 4 Mix Place to R-3 (Residential District), and review the proposed amendment to Section 190-10 (C)(2), and make a recommendation to the City Council for consideration within thirty days of referral.

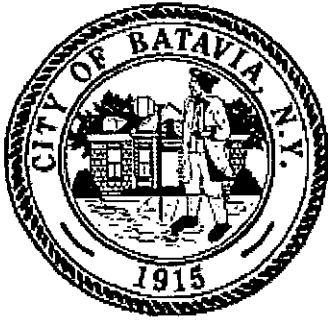
Seconded by Councilmember Richmond and on roll call approved 8-0. Councilmember Schmidt was absent.

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the City Council of the City of Batavia on the 10th day of July 2023 and of the whole thereof.

Dated at Batavia, NY, July 13, 2023



Heidi J. Parker
City Clerk, Batavia, NY



City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020

(585)-345-6345

(585)-345-1385 (fax)

To: Planning and Development Committee
From: Doug Randall, Code Enforcement Officer
Date: 10/2/23
Re: 218 Ellicott St.
Tax Parcel No. 84.057-1-19

Zoning Use District: C-3

The applicant, Kenneth Pagels (owner), has filed a permit application to remove a chain link fence and install new wood fence along the front and rear lot lines of this parcel located within the Central Commercial District (BID).

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQRL 6 NYCRR Part 617.5 (c) (2).

Review and Approval Procedures:

City Planning and Development Committee- Pursuant to section 190-14 D(2)(a) of the zoning ordinance, the Planning and Development Committee will review, and approve prior to permit issuance, exterior changes requiring issuance of a building permit for properties located within the Central Commercial Use District (BID).

CITY OF BATAVIA, NEW YORK

APPLICATION FOR A BUILDING PERMIT

Application Date: 9/8/23

APPLICANT NAME Kenneth A. Page's PHONE 585 455 0321

APPLICANT MAILING ADDRESS 6022 Sautell Rd

APPLICANT EMAIL _____

Project Location and Information

Address of Project: 218 Ellicott St 84.057-1-19 AH

Owner: Kenneth Page's Phone: 585 455 0321

Owners Mailing Address: 6022 Sautell Rd Bergen NY 14416

Project Type/Describe Work **Estimated cost of work: 1,700**

Describe project: Fence

Contractor Information – Insurance certificates (liability & worker comp) required to be on file in our office before issuance of any permit. _____ Liability _____ Workers Comp

GENERAL

Name & Address: 16 + 5 Fence

Phone: _____

PLUMBING (City of Batavia Licensed Plumber Required)

Name & Address: _____

Phone: _____

HEATING

Name & Address: _____

Phone: _____

ELECTRICAL (Third Party Electrical Inspection Required)

Name & Address: _____

Phone: _____

FOR OFFICE USE ONLY

Zoning District: G-3 Flood Zone: AH Corner Lot: NO Historic District/Landmark: NO

Zoning Review: _____ Variance Required: _____ Site Plan Review: _____ Other: _____

National Grid Sign Off (Pools): _____ Lot Size: 33x103

ELLICOTT STREET — — ROUTE 63 (99.0' R.O.W.)

