

# PLANNING AND DEVELOPMENT COMMITTEE

Tuesday, October 18, 2022

6:00 p.m.

Council Board Room

One Batavia City Centre, Batavia NY

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## AGENDA

- I. Roll Call
- II. Call to Order
- III. Approval of Minutes – 9/20/22
- IV. Proposals
  - A. Install one 99 sq.’ electronic message board sign on the west elevation of the existing marquee sign, and one 41 sq.’ electronic message board sign on the east elevation of the existing marquee sign. The sign is located within the Central Commercial / Business Improvement District

**Address:** 210-212 East Main Street

**Applicant:** John Flannery (Contractor)

**Actions:** 1. Review application and discussion  
2. Recommendation to the ZBA for Area Variance
  - B. Obtain a rooming house permit to operate two existing rooming house structures. 134 West Main Street contains 5 rooming house units and 2 self-contained apartments. The front building of 128-130 West Main Street contains 13 rooming house units and 2 self-contained apartments

**Address:** 134 West Main Street and 128-130 West Main Street

**Applicant:** Ryan McDonald (Purchaser)

**Actions:** 1. Review application and discussion  
2. Action by the board
  - C. Gut and renovate an existing building that includes a partial first floor residential use. Approximately 852 sq.’ of a 1,500 sq.’ dwelling unit is located on the first floor rear half of this building. The residential use has been vacant for more than a year and has lost its non-conforming status

**Address:** 327 Ellicott Street

**Applicant:** Bradley Trzeciecki (Owner)

**Actions:** 1. Review application and discussion  
2. Recommendation to the ZBA for Use Variance

V. Setting of Next Meeting: November 15, 2022

VI. Adjournment

# PLANNING & DEVELOPMENT COMMITTEE

## *DRAFT MINUTES*

September 20, 2022

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

Members present: *David Beatty, Rebecca Cohen, Derek Geib, John Ognibene, Duane Preston*

Members absent: Edward 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 6:09 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 16, 2022 meeting minutes.**

### **IV. Proposals**

- A. Widen an existing 21' wide asphalt driveway by placing 8' of asphalt to the south side to the existing driveway

**Address:** 20 Gateway Drive

**Applicant:** Joan Maniace (owner)

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

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

Mr. Preston read the summary of the proposal. He noted that the applicant was not in attendance at the meeting.

#### **2. Discussion and Recommendation to the ZBA**

The board members agreed that the request was not substantial and similar to other properties in the neighborhood. They had no questions for the applicant.

**MOTION:** Mr. Beatty moved to recommend approval of the proposal to the Zoning Board of Appeals; the motion was seconded by Mr. Ognibene, and on roll call, was approved 5-0.

**RESULT: Recommend approval of the application to the ZBA.**

**B. Continuation of two unapproved dwelling units within this multiple dwelling building**

**Address:** *113 Bank Street*

**Applicant:** Michael Lullo (agent for the owner)

**Actions:** 1. Review application

2. Discussion and recommendation to the ZBA for use variance

**1. Review Application**

Mr. Preston read the summary of the proposal. Mr. Lullo presented his bona fides to the board, as well as an explanation of the events leading up to the application for a variance. [See attached.]

He related that during the preparation for sale of the property, it was discovered that the Certificate of Occupancy from 1950 classified the building as a three-unit dwelling, rather than as a five-unit dwelling, as it currently exists. The variance would allow the extra units to remain in the buildings.

**2. Discussion and Recommendation to the ZBA**

Mr. Randall explained that in 2002 the present ownership applied to the ZBA for a variance to expand the number of dwelling units in the building. The Genesee County Planning Board, the City of Batavia Planning and Development Committee, and the Zoning Board of Appeals denied the variance. Despite the denial, sometime between 2002 and the present, the ownership increased the number of units in each building.

Mr. Preston said that it is difficult to look at the situation as a possible money loss because the owner has been illegally making a profit for the past several years. He noted that there are other ways to increase rents without creating more units.

Mr. Beatty said that to approve the proposal would make it appear as though the board was entering into collusion with the owner to rectify a situation that the owner had always known about, for the purpose of allowing a sale to go through.

**MOTION:** Mr. Beatty moved to recommend denial of the proposal because the situation is self-created. The motion was seconded by Mr. Ognibene, and on roll call, was approved 5-0.

**RESULT: Recommendation to ZBA for disapproval of the application.**

**C. Continuation of two unapproved dwelling units within this multiple dwelling building**

**Address:** *117 Bank Street*

**Applicant:** Michael Lullo (agent for the owner)

**Actions:** 1. Review application

2. Discussion and recommendation to the ZBA for use variance

**1. Review Application**

Mr. Preston read the summary of the proposal. He noted that this proposal presents a situation similar to the first.

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

**MOTION:** Mr. Geib moved to recommend denial of the proposal to the ZBA because the situation is self-created. The motion seconded by Ms. Cohen, and on roll call, was approved 5-0.

**RESULT: Recommendation to ZBA for disapproval of the application.**

V. **Setting of Next Meeting:** October 18, 2022

VI. **Adjournment:** Mr. Preston adjourned the meeting at 6:26 p.m.

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Meg Chilano  
Recording Secretary

113 Bank

**Zoning Board of Appeals  
Hacienda Management Group Inc  
09-22-2022**

**I am Mike Lullo, Broker/Owner of Marathon Realty a licensed real estate broker in State of New York.**

**We provide real estate brokerage services with a specialty in income and investment property.**

**I have been licensed in the real estate industry since 1977 which now represents 45 years of continuous involvement in the trade. Over that period of time, I have obtained various advance designations, participated and conducted numerous continuing education courses and agent workshops including investment analysis of income property and tax deferred exchanges. I have also served for approximately 15 years as an adjunct instructor for real estate licensing and continuing education at Genesee Community College.**

**Over my career, I have personally represented both owners and buyers of more than 1000 real estate transactions.**

**Marathon Realty has now and in the past, provided rental management for hundreds of properties including single and multi-family dwellings, strip plazas, residential cooperatives and commercial properties at numerous locations across the region of Western NY.**

**My assignment is to represent the owners of the property located at 113 Bank St, Batavia in seeking a zoning variance to classify and continue the operation of the building as a 5 unit residential rental.**

**The certificate of occupancy that was issued on Dec 5, 1950 declared that the structure met the requirements of the zoning ordinance in effect at that time.**

**I became involved with this property 4 years ago having been contacted by attorney Gerald Williams. The principal owner of Hacidenda Management Corporation, Irene Cichocki, was killed in a car accident when another vehicle failed to stop at the intersection of Wortendyke and Pearl Street roads.**

**Somewhere between 1950 and 2021 the building underwent a conversion from being a 3 unit into a 5 unit building. I do not have any further information as to building permits for the conversion. It is true that Mrs. Cichocki had a rather checkered past with the City of Batavia Inspection Department. Numerous violation citations were issued and even jail time was threatened due to the lack of action on the violations. Since the beginning of our tenure, Marathon Realty has brought the property into full compliance with the City's directives and to this date, I believe there are no outstanding violation notices.**

**At this time, we have a pending sale agreement on the property. During preparation for buyer financing and final closing, it was learned that the only C of O, dated 12/05/1950 recognized the building to be classified on the books a 3 unit rather than a 5 unit as we believed it to be.**

**In preparation for this variance request, an architect was employed to prepare a building sketch of the existing facilities. Together with the**

**neighboring property at 117 Banks Street, the cost was approximately \$2800 for that service. Additionally, an in depth financial analysis was conducted by myself to illustrate the financial hardship use as a 3 vs 5 unit. The results of that analysis speak for itself.**

**Since our tenure began with this property there have been numerous site visits and routine inspections by both the City of Batavia Fire Department and Bureau of Inspections. At no time were we aware of the misclassification of the approved 3 vs 5 apartment units. We believed that the building was in full compliance with permitted use requirements.**

**We therefore request that the variance be issued to grant the existing use as a 5 unit apartment as legitimate. We believe that the continued existing use as a 5 unit residential rental will have no negative effects on the neighboring properties, local market values nor contribute to increased vehicle or pedestrian traffic.**



117 Bank

**Zoning Board of Appeals  
Hacienda Enterprises Inc  
09-22-2022**

**I am Mike Lullo, Broker/Owner of Marathon Realty a licensed real estate broker in State of New York.**

**We provide real estate brokerage services with a specialty in income and investment property.**

**I have been licensed in the real estate industry since 1977 which now represents 45 years of continuous involvement in the trade. Over that period of time, I have obtained various advance designations, participated and conducted numerous continuing education courses and agent workshops including investment analysis of income property and tax deferred exchanges. I have also served for approximately 15 years as an adjunct instructor for real estate licensing and continuing education at Genesee Community College.**

**Over my career, I have personally represented both owners and buyers of more than 1000 real estate transactions.**

**Marathon Realty has now and in the past, provided rental management for hundreds of properties including single and multi-family dwellings, strip plazas, residential cooperatives and commercial properties at numerous locations across the region of Western NY.**

**My assignment is to represent the owners of the property located at 117 Bank St, Batavia in seeking a zoning variance to classify and continue the operation of the building as a 7 unit residential rental.**

**The certificate of occupancy that was issued on April 4, 1972 declared that the structure met the requirements of the zoning ordinance in effect at that time.**

**I became involved with this property approximately 4 years ago having been contacted by attorney Gerald Williams. The principal owner of Hacidenda Enterprises, Inc, Irene Cichocki, was killed in a car accident when another vehicle failed to stop at the intersection of Wortendyke and Pearl Street roads.**

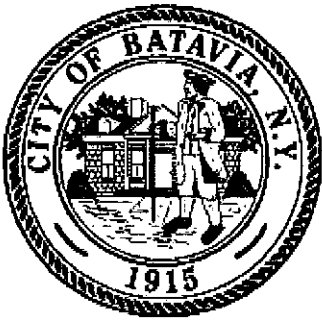
**Somewhere between 1972 and 2021 the building underwent a conversion from being a 5 unit into a 7 unit building. It is true that Mrs. Cichocki had a rather checkered past with the City of Batavia Inspection Department. Numerous violation citations were issued and even jail time was threatened due to the lack of action on the violations. Since the beginning of our tenure, Marathon Realty has brought the property into full compliance with the City's directives and to this date, I believe there are no outstanding violation notices. We are aware the in summer of 2002, Mrs. Cichocki applied for and was denied an application to convert the then permitted 5 unit into a 7 unit. Reference to the ZBA meeting minutes appears to primarily be centered around the site plan with related vehicle parking issues. With the removal of a detached two story frame storage building from the rear of the dwelling, we have prepared a parking plan having submitted for inspection department review and suggestions earlier this year. The zoning requirement of 1.5 parking spaces per unit has been addressed and satisfied.**

**At this time, we have a pending sale agreement on the property. During preparation for buyer financing and final closing, it was learned that the only C of O, dated 4/4/1972 recognized the building to be classified on the books a 5 unit rather than a 6 unit as we believed it to be.**

**In preparation for this variance request, an architect was employed to prepare a building sketch of the existing facilities. Together with the neighboring property at 117 Bank Street, the cost was approximately \$2800 for that service. Additionally, an in depth financial analysis was conducted by myself to illustrate the financial hardship use as a 3 vs 5 unit. The results of that analysis speak for itself.**

**Since our tenure began with this property there have been numerous site visits and routine inspections by both the City of Batavia Fire Department and Bureau of Inspections. At no time were we aware of the misclassification of the approved 5 vs 7 apartment units. We believed that the building was in full compliance with permitted use requirements.**

**We therefore request that the variance be issued to grant the existing use as a 7 unit apartment as legitimate. We believe that the continued existing use as a 7 unit residential rental will have no negative effects on the neighboring properties, local market values nor contribute to increased vehicle or pedestrian traffic.**



*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: Genesee County Planning  
Planning and Development Committee  
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 10/2/22

Re: 327 Ellicott St.  
Tax Parcel No. 84.066-2-9

Zoning Use District: C-3

The applicant, Bradley Trzeciecki (owner), has applied for a building permit to gut and renovate an existing building that includes a partial first floor residential use. Approximately 852 sq.ft. of a 1,500 sq.ft. dwelling unit is existing on the first floor rear half of this building. The residential use has been vacant for more than a year and has lost its nonconforming use status.

**Review and Approval Procedures:**

**County Planning Board-** Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of the right of way of a state road or highway.

**City Planning and Development Committee-** Pursuant to section 190-49 C, Any application that includes a non-permitted use shall be referred to the PDC for their recommendation prior to submittal to the ZBA.

**Zoning Board of Appeals-** Pursuant to BMC Sec. 190-49 of the zoning ordinance, the ZBA shall review and act on required variances.

Required variances- Use

- 1) **BMC 190-14 A Residential dwelling units are not permitted principal uses within the C-3 Central Commercial district.**

Note: BMC 190-36 Whenever a non-conforming use has been discontinued for a period of one year, such structure shall not be reused without an appropriate variance.

**The Zoning Board of Appeals will be the lead agency to conduct SEQR.**

SEND OR DELIVER TO:  
GENESEE COUNTY DEPARTMENT OF PLANNING  
3837 West Main Street Road  
Batavia, NY 14020-9404  
Phone: (585) 815-7901



**\* GENESEE COUNTY \*  
PLANNING BOARD REFERRAL**

DEPARTMENT USE ONLY:  
GCDP Referral # \_\_\_\_\_

Required According to:  
**GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N**  
(Please answer ALL questions as fully as possible)

**1. REFERRING BOARD(S) INFORMATION**

Board(s) Zoning Board of Appeals  
Address One Batavia City Centre  
City, State, Zip Batavia, NY 14020  
Phone (585) 345 - 6345 Ext. \_\_\_\_\_

**2. APPLICANT INFORMATION**

Name Bradley Trzeciecki  
Address 7 Farnsworth Ave.  
City, State, Zip Oakfield, NY 14125  
Phone (716) 481 - 1646 Ext. \_\_\_\_\_ Email bradleyt48@gmail.com

MUNICIPALITY:  City  Town  Village of Batavia

**3. TYPE OF REFERRAL:** (Check all applicable items)

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Area Variance           | <input type="checkbox"/> Zoning Map Change         | <input type="checkbox"/> Subdivision Proposal |
| <input checked="" type="checkbox"/> Use Variance | <input type="checkbox"/> Zoning Text Amendments    | <input type="checkbox"/> Preliminary          |
| <input type="checkbox"/> Special Use Permit      | <input type="checkbox"/> Comprehensive Plan/Update | <input type="checkbox"/> Final                |
| <input type="checkbox"/> Site Plan Review        | <input type="checkbox"/> Other: _____              |   |

**4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:**

- A. Full Address 327 Ellicott St.
- B. Nearest intersecting road Hutchins St.
- C. Tax Map Parcel Number 84.066-2-9
- D. Total area of the property \_\_\_\_\_ Area of property to be disturbed \_\_\_\_\_
- E. Present zoning district(s) \_\_\_\_\_

**5. REFERRAL CASE INFORMATION:**

- A. Has this referral been previously reviewed by the Genesee County Planning Board?  
 NO  YES If yes, give date and action taken \_\_\_\_\_
- B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law  
BMC 190-14 A.
- C. Please describe the nature of this request Approval to use a portion of a first floor for residential use in the C-3

**6. ENCLOSURES** – Please enclose copy(s) of all appropriate items in regard to this referral

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Local application | <input type="checkbox"/> Zoning text/map amendments  | <input type="checkbox"/> New or updated comprehensive plan                 |
| <input type="checkbox"/> Site plan                    | <input type="checkbox"/> Location map or tax maps    | <input type="checkbox"/> Photos  |
| <input type="checkbox"/> Subdivision plot plans       | <input type="checkbox"/> Elevation drawings          | <input checked="" type="checkbox"/> Other: <u>Cover letter, floor plan</u> |
| <input checked="" type="checkbox"/> SEQR forms        | <input type="checkbox"/> Agricultural data statement |  |

**7. CONTACT INFORMATION** of the person representing the community in filling out this form (required information)

Name Douglas Randall Title Code Enf. Officer Phone (585) 345 - 6327 Ext. \_\_\_\_\_  
Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020 Email drrandall@batavianewyork.com



**CITY OF BATAVIA**  
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: \_\_\_\_\_  
Hearing Date/Time: \_\_\_\_\_

APPLICANT: BRADLEY J TRZECIESKI bradleyj48@gmail.com  
 Name E-Mail Address  
7 FARNSWORTH AVE 716-481-1646  
 Street Address Phone  
OAKFIELD NY 14125  
 City State Zip

STATUS:  Owner  Agent for Owner  Contractor

OWNER: BRADLEY J TRZECIESKI bradleyj48@gmail.com  
 Name E-Mail Address  
7 FARNSWORTH AVE 716-481-1646  
 Street Address Phone  
OAKFIELD NY 14125  
 City State Zip

LOCATION OF PROPERTY: 327 ELLICOTT ST. BATAVIA NY 14020

DETAILED DESCRIPTION OF REQUEST: TO KEEP THE FIRST FLOOR  
REAR AREA RESIDENTIAL SPACE, WHICH IS  
LOCATED BEHIND THE FIRST FLOOR STREET FRONT  
COMMERCIAL SPACE.

Applicant must be present at the hearing date. Failure to do so will result in the application being discarded. It is the responsibility of the applicant to present evidence sufficient to satisfy the Zoning Board of Appeals that the benefit of the applicant does not outweigh the health, safety, morals, aesthetics and general welfare of the community or neighborhood.

Bradley Trzeczieski 09-10-2022  
 Applicant's Signature Date  
Bradley Trzeczieski 09-10-2022  
 Owner's Signature Date

*To be Filled out by Zoning Officer*

TAX PARCEL: 84.066-2-9 ZONING DISTRICT: C-3 FLOOD PLAIN: AH.

TYPE OF APPEAL:  Area Variance  Use Variance  Interpretation  Decision of Planning Committee  
 FEE:  \$50 (One or Two Family Use)  \$100 (All other Uses)

Provision(s) of the Zoning Ordinance Appealed: BMC 190-14 A Residential dwelling  
units are not permitted principal uses within the C-3 use dist.

## Use Variance Application

### Statement of Unnecessary Hardship

In order for the Zoning Board of Appeals to grant a use variance, an applicant must show documentation in the record that the restrictions of the Zoning Ordinance has caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the Zoning Ordinance for the particular district where the property is located, that all four (4) requirements as per §81-b of the General City Law have been proven. Additional documentation may be included. If any one of these requirements have not been proven, the Zoning Board of Appeals must deny the variance, as per §81-b of the General City Law.

Explain how the request conforms to EACH of the following requirements (additional pages may be attached):

1. **Reasonable Return.** The subject property is not capable of yielding a reasonable rate of return if used for its present use or developed, redeveloped or used for any other use permitted in the district in which such property is located. There is no means other than the granting of the variance by which the property can yield a reasonable return. Such inability to yield a reasonable return must be shown by specific fact (dollars and cents) from an expert or authority in economic deprivation, not the unsupported opinion of the owner or those appearing for the owner.

*"The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence"*

THE RETURN ON INVEST WITH ONLY THE SECOND FLOOR BEING RESIDENTIAL WILL NOT YIELD A REASONABLE RETURN WITH THE SECOND FLOOR AND THE REAR OF FIRST FLOOR AS ONE RESIDENTIAL UNIT THE RETURN ON INVESTMENT WILL YIELD THE PROPER RETURN FOR A SUSTAINABLE INVESTMENT.

(Please provide / attach competent financial evidence)

2. **Unique Hardship.** The inability to yield a reasonable return results from a unique circumstance peculiar to the subject property which does not apply to or affect other properties in the immediate vicinity that are subject to the same regulations. The personal situation of the owner shall not be considered unique.

*"The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood"*

THE PROPERTIES ORIGINAL FOOTPRINT WAS IS MIXED USE ON THE FIRST FLOOR. THE FRONTAGE BEING COMMERCIAL AND REAR AND UPPER BEING RESIDENTIAL

3. **Essential Character of the Neighborhood.** The granting of the variance will not be materially detrimental to the public health, safety, and welfare or injurious to the enjoyment, use or development of neighboring properties or the community. Applicant must demonstrate that the proposed use will not change the essential character of the neighborhood with regard to such physical and environmental elements such as parking, traffic, signage, landscape, architectural and structural features, location and dimensions of buildings, any by-products of proposed use such as noise or smoke, and any other impacts upon adjacent or neighboring lands.

*"The requested use variance, if granted, will not alter the essential character of the neighborhood"*

THE REQUESTED USE VARIANCE WILL NOT ALTER THE CHARACTER OF THE NEIGHBORHOOD. IT WILL ONLY ENHANCE, IMPROVE AND CREATE A MUCH BETTER CHARACTER PERCEPTION AND SUSTAINABLE OF THE NEIGHBORHOOD

4. **Not Self-Created.** The inability to yield a reasonable return is not the result of any action by the owner or predecessors in title. The applicant must show that when the property was purchased the zoning restrictions from which a use variance is now sought were not in existence or that some other change or factor has occurred that has resulted in an inability to yield a reasonable return. Otherwise, the hardship is self-created.

*"The alleged hardship has not been self-created"*

THE ALLEGED HARDSHIP HAS NOT BEEN SELF-CREATED. THE FOOTPRINT OF THE FIRST FLOOR WHEN PURCHASED WAS MIXED USE.

Bradley Jyzanski  
Applicant's Signature

Date

09-10-2022

Bradley Jyzanski  
Provider of Financial Evidence

Date

09-10-2022



USE VARIANCE

Statement of Income and Expense

All Entries Must be Completed and Documented for at Least Two (2) Calendar Years or From the Date of Purchase Whichever is Less

PROPERTY ADDRESS: 327 ELWICOTT ST. BATAVIA NY 14020

A. PROPERTY DATA

1. Date property was purchased by current owner 06-19-2018
2. Was a Certificate of Occupancy issued? N/A ALREADY
Date of Issuance? 06-19-2018
If so, for what use(s)?
If not, why?

3. Cost of Purchase 50,000
4. a) Amount of Mortgage 50,000 Interest Rate 6%
Mortgage Holder TOMPKENS Duration 15 YRS
Address BATAVIA NY 14020

b) Amount of Mortgage
Mortgage Holder
Address Interest Rate
Duration

c) Amount of Mortgage
Mortgage Holder
Address Interest Rate
Duration

5. Is the property for sale? NO
If so, for how long
asking price
for what use(s)
Have any offers been received
If so, for what amount(s)

Summarize any attempts to sell the property

6. Present value of property 58,000
Source(s) CITY OF BATAVIA ASSESSMENT + TOMPKENS

**B. GROSS ANNUAL INCOME [BASED ON PERMITTED USE(S)]**

USE	INCOME
1. <u>COMMERCIAL FRONT</u>	<u>12000</u>
2. <u>RESIDENTIAL</u>	<del>1000</del> <u>19200</u>
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
TOTAL RENTAL INCOME	<del>30000</del> <u>31200</u>
LESS VACANCY FACTOR	<del>208</del> <u>2496</u>
(Attach explanation if greater than 8%)	
TOTAL GROSS INCOME	<u>28704</u>

**C. ANNUAL EXPENSES**

1. <u>Annual Fixed Charges</u>	
Real Estate Taxes (City & County)	<del>144</del> <u>2342</u> CITY + SCHOOL
Insurance.....	<u>1500</u>
Average Annual Interest (over next 5 years)	<u>657</u>
2. <u>Operating Expenses</u>	
Electric.....	<u>1200</u>
Fuel.....	<u>1200</u>
Water.....	<u>1200</u>
Advertising.....	<u>500</u>
Miscellaneous (attach explanation)	_____
3. <u>Maintenance Expenses (attach list)</u>	
Repairs.....	<u>1000</u>
General Building Maintenance.....	<u>1000</u>
Yard and Ground Care.....	<u>400</u>
Miscellaneous.....	<u>400</u>
TOTAL ANNUAL EXPENSES	<u>17259</u>
Profit or Loss	<u>11445</u>

**D. TOTAL INVESTMENT**

- 1. Down payment..... \_\_\_\_\_
- 2. Capital Improvements (attach list) \_\_\_\_\_
- 3. Principal Paid to date (original mortgage less  
current principal balance)..... \_\_\_\_\_

TOTAL INVESTMENT \_\_\_\_\_  
(Sum of D1, D2, & D3)

**E. RATE OF RETURN = Profit or Loss**

TOTAL INVESTMENT \_\_\_\_\_

Bradley J. Jurecki  
Signature of Preparer

09-10-2022  
Date

OWNER  
Profession of Preparer

## Short Environmental Assessment Form

### Part 1 - Project Information

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: <b>BRADLEY J. TRZECIJSKI</b>			
Project Location (describe, and attach a location map): <b>REMODEL AND REVITALIZE A MAIN STREET PROPERTY</b>			
<b>327 ELLICOTT ST. BATAVIA NY 14020</b>			
Brief Description of Proposed Action: <b>TO KEEP ORIGINAL FIRST FLOOR FOOT PRINT WITH REAR AREA OF A MAIN ST PROPERTY RESIDENTIAL LEAVING SPACE WHICH IS LOCATED BEHIND THE FIRST FLOOR COMM STREET FRONT COMMERCIAL SPACE.</b>			
Name of Applicant or Sponsor: <b>BRADLEY J. TRZECIJSKI</b>		Telephone: <b>716-491-1646</b>	
		E-Mail: <b>bradleyt48@gmail.com</b>	
Address: <b>7 FARNSWORTH AVE</b>			
City/PO: <b>OKFIELD</b>	State: <b>NY</b>	Zip Code: <b>14025</b>	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____ <b>.192</b> acres	
b. Total acreage to be physically disturbed?		_____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
If Yes, identify: _____			
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
b. Are public transportation services available at or near the site of the proposed action?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES
If the proposed action will exceed requirements, describe design features and technologies: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water: _____ _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment: _____ _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor/name: <u>BRADLEY J. TRZECIESKI</u> Date: <u>09-10-2022</u> Signature: <u>Bradley Trzeciecki</u> Title: <u>OWNER</u>		

Agency Use Only [If applicable]

Project:

Date:

**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**PRINT FORM**

Agency Use Only [If applicable]

Project:

Date:

**Short Environmental Assessment Form  
Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
_____ Name of Lead Agency	_____ Date
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**



# BUILDING RENOVATION PLANS for BRADLEY TRZECIESKI

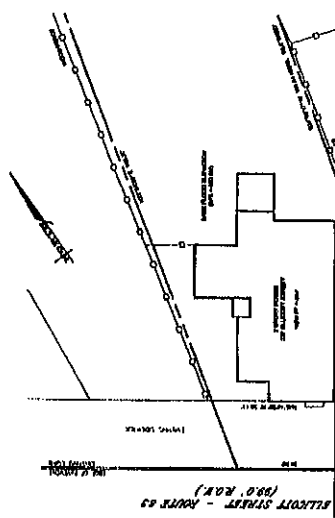
327 ELLICOTT STREET

SITUATE IN:

CITY OF BATAVIA - GENESEE COUNTY - STATE OF NEW YORK

**NOTES:**

1. GENERAL NOTES: SEE GENERAL NOTES ON DRAWING SHEET 1000 FOR ALL NOTES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF BATAVIA AND GENESEE COUNTY.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF BATAVIA AND GENESEE COUNTY.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF BATAVIA AND GENESEE COUNTY.
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20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF BATAVIA AND GENESEE COUNTY.



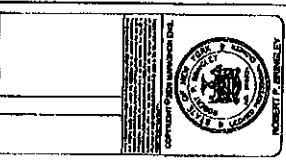
SITE MAP  
R.C.S.



**MARATHON ENGINEERING**  
 100 WEST 10TH STREET  
 ROCHESTER, NY 14604  
 716-244-1377  
 www.marathoneng.com

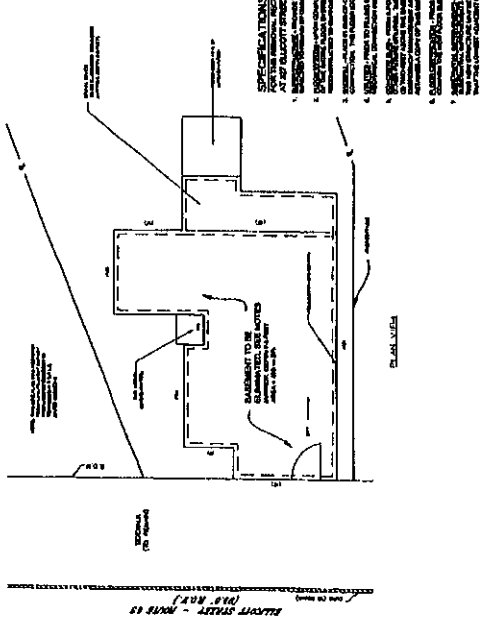
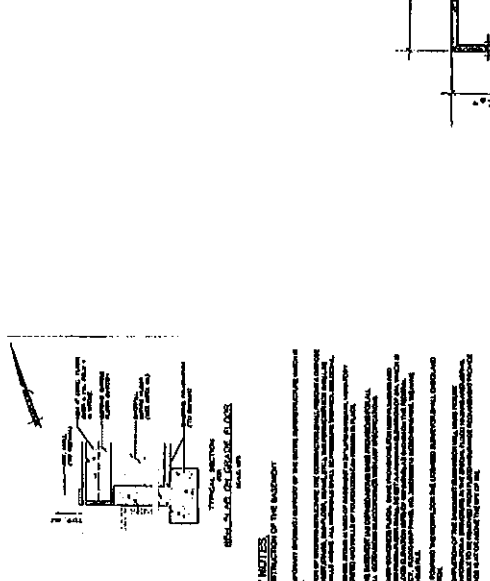
**BRADLEY TRZCIESKI**  
 for  
**BUILDING RENOVATION PLAN**  
 327 ELLICOTT STREET  
 GENESSEE COUNTY  
 CITY OF BATAVIA  
 STATE OF NEW YORK

JOB NO: 112530  
 SCALE: AS NOTED  
 DRAWN: RFR  
 CHECKED: RFR  
 DATE: 10/20/2008



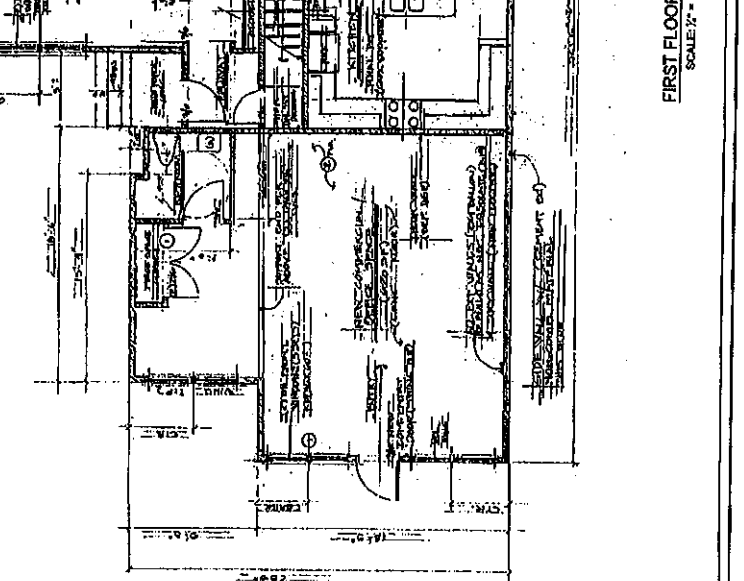
DRAWING TITLE:  
**FIRST FLOOR PLAN & BASEMENT ELIMINATION PLAN**  
 SHEET NO: A-1  
 TOTAL SHEETS: 1

- NOTES:**
1. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL EXISTING STRUCTURES, UTILITIES, ELECTRICAL, PLUMBING AND MECHANICAL SYSTEMS. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
  2. FLOOR FINISHES - REFER TO PLANS / DETAILS ON THESE DRAWINGS FOR THE EXISTING FLOOR FINISHES. ALL APPROXIMATE UTILITY CONNECTIONS UNDER THE NEW CONCRETE FLOOR.
  3. FOUNDATIONS - THE DIMENSIONS SHOWN WERE PROVIDED BY OWNER AND ARE TO BE VERIFIED BY CONTRACTOR. USE PLAN AS A GUIDE TO DETERMINE EXISTING FOUNDATION LOCATIONS.
  4. WINDOWS - PROVIDE ALL NEW WINDOW FINAL SELECTION BY OWNER. PROVIDE NEW WINDOW SIZES ON ALL WINDOWS.
  5. WALLS - THIS BUILDING IS TO HAVE EXTERIOR WALLS AS NECESSARY TO MAKE FINISH AND INTERIOR. EXTERIOR WALLS TO BE APPROXIMATE, APPROXIMATE AND FINISH.



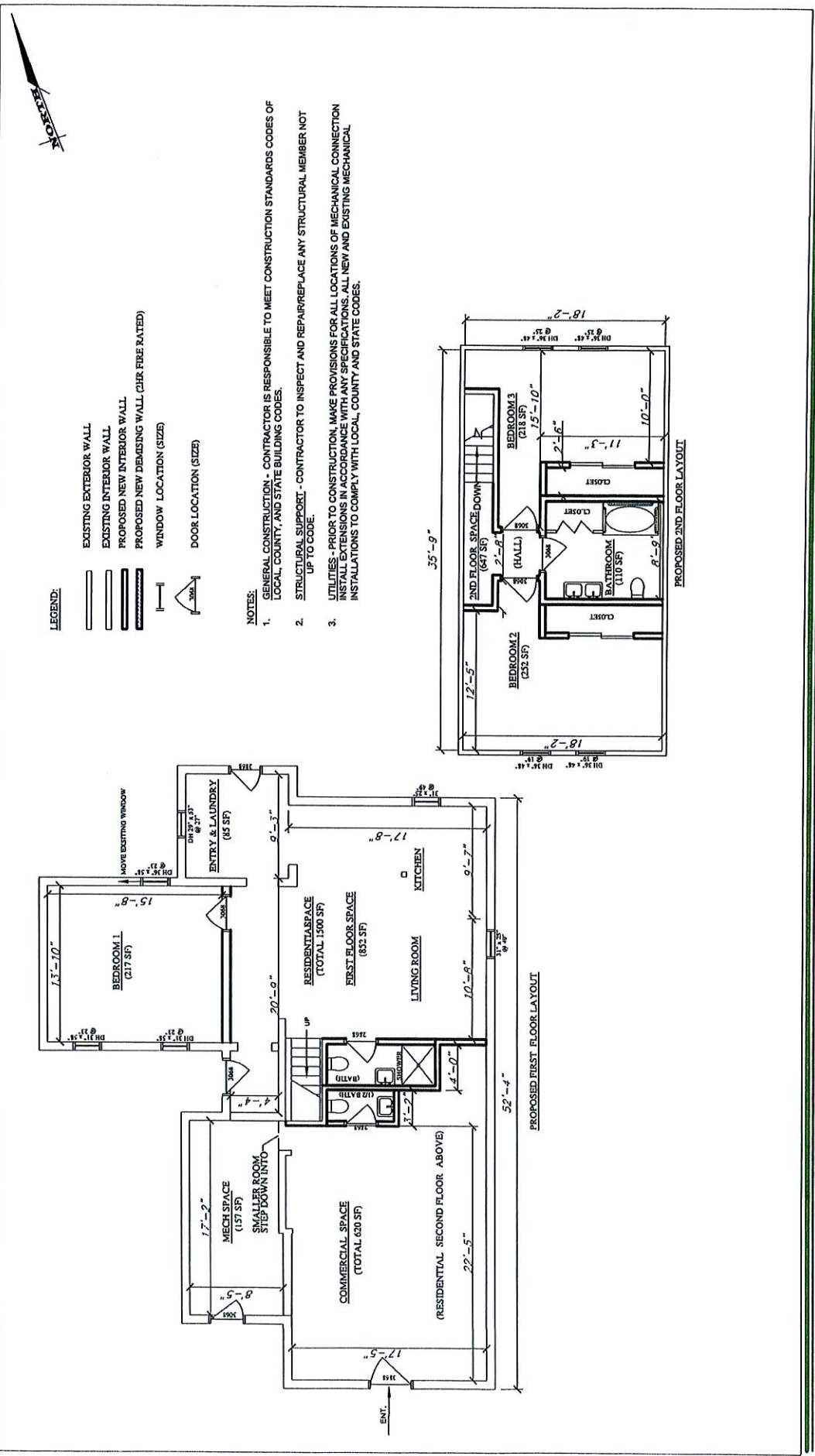
**SPECIFICATIONS / NOTES:**

1. ALL CONCRETE SHALL BE 3000 PSI STRENGTH.
2. ALL REINFORCING SHALL BE #4 BARS.
3. ALL WALLS SHALL BE 8" CMU WITH 1/2" GYPSUM BOARD ON BOTH SIDES.
4. ALL FLOORS SHALL BE 4" CONCRETE ON 2" GYPSUM BOARD ON 2x8 JOISTS.
5. ALL ROOFING SHALL BE 2" POLYURETHANE INSULATION ON 2x12 RAFTERS WITH 1/2" GYPSUM BOARD ON TOP.
6. ALL EXTERIOR WALLS SHALL BE 8" CMU WITH 1/2" GYPSUM BOARD ON EXTERIOR SIDE.
7. ALL INTERIOR WALLS SHALL BE 5/8" GYPSUM BOARD ON 2x4 STUDS.
8. ALL CEILING SHALL BE 5/8" GYPSUM BOARD ON 2x4 RAFTERS.
9. ALL FLOORS SHALL BE 1/2" GYPSUM BOARD ON 2x8 JOISTS.
10. ALL ROOFING SHALL BE 2" POLYURETHANE INSULATION ON 2x12 RAFTERS WITH 1/2" GYPSUM BOARD ON TOP.



**GENERAL NOTES:**

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL EXISTING STRUCTURES SHALL BE DEMOLISHED AND REMOVED FROM THE SITE.
3. ALL NEW STRUCTURES SHALL BE CONSTRUCTED ACCORDING TO THE SPECIFICATIONS AND NOTES.
4. ALL UTILITIES SHALL BE LOCATED AND MARKED PRIOR TO CONSTRUCTION.
5. ALL EXTERIOR WALLS SHALL BE 8" CMU WITH 1/2" GYPSUM BOARD ON EXTERIOR SIDE.
6. ALL INTERIOR WALLS SHALL BE 5/8" GYPSUM BOARD ON 2x4 STUDS.
7. ALL CEILING SHALL BE 5/8" GYPSUM BOARD ON 2x4 RAFTERS.
8. ALL FLOORS SHALL BE 1/2" GYPSUM BOARD ON 2x8 JOISTS.
9. ALL ROOFING SHALL BE 2" POLYURETHANE INSULATION ON 2x12 RAFTERS WITH 1/2" GYPSUM BOARD ON TOP.



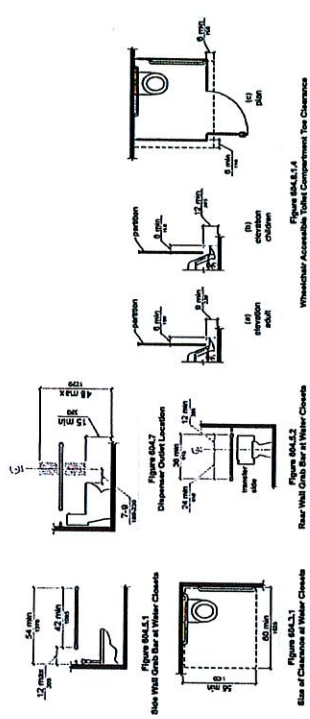
**LAYOUT PLAN**  
FOR  
**FUTURE APARTMENT BLDG. RENOVATION**  
327 ELLICOTT STREET  
CITY OF BATAVIA GENESEE COUNTY NEW YORK

**TITLE**

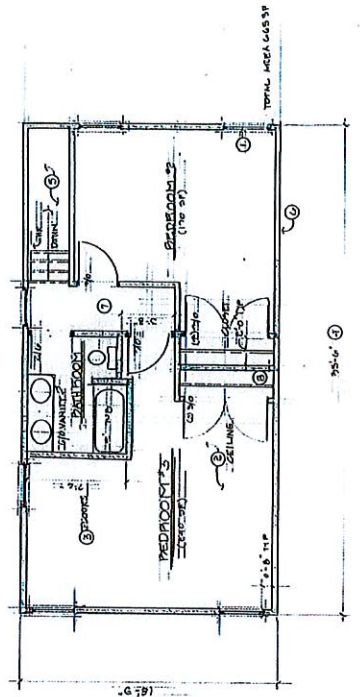
JOB NO: 1125-20  
SCALE: 1/8" = 1'-0"  
DRAWN: RPR  
DESIGNED: RPB  
DATE: 09/03/2020

**MARATHON ENGINEERING**  
ARCHITECTURAL  
30 CASCADE DRIVE  
BATAVIA, NY 14020  
440 WASHINGTON ST. 3RD FL  
BATAVIA, NY 14020  
www.marathoneng.com

Rev. 2/Engineering/Rev 11/15-20/Rev 2/11/20/Rev 3/1/2020 B. REVISED

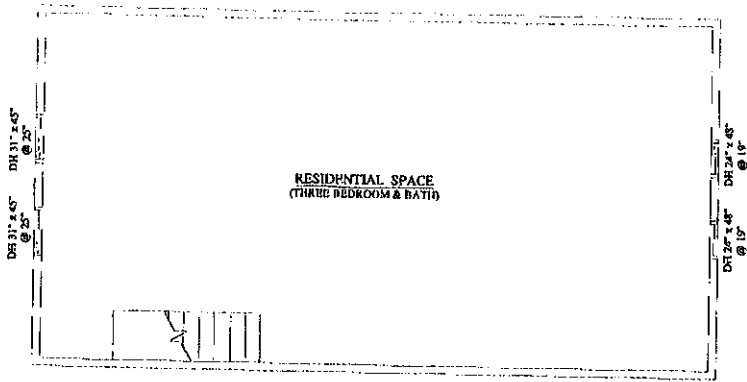


**MINIMUM ADA REQUIREMENTS**  
 SCALE: N.T.S.

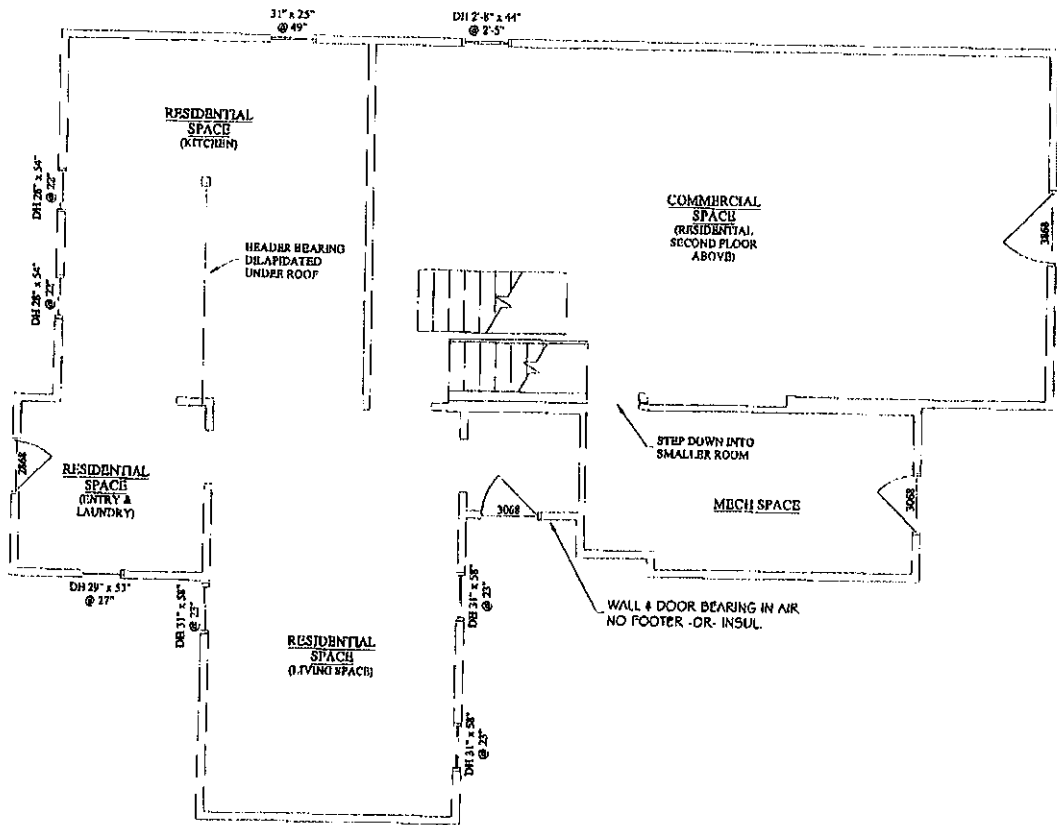


- WORK DESCRIPTION / SCOPE SECOND FLOOR**
- ① GIBBS WINDOWS - THE FRONT PORCH AND BACK PORCH WITH WINDOWS SHALL MEET THE GIBBS REQUIREMENTS AS DEFINED IN 502.1.1 - NET CLEAR OPENING NOT LESS THAN 6.2' 0".
  - ② CEILING SYSTEM - REPAIR / REPLACE ALL DAMAGED AND OUT OF PLUMB CEILING JOISTS AND PARTS. INSULATE TO A MINIMUM OF R9 BLOWN-IN INSULATION AND VENTILATE ATTIC SPACE (ROOF VENTS) AS REQUIRED.
  - ③ FLOORS - REPAIR / REPLACE ALL DAMAGED FLOOR JOISTS AND PLUMB ALL FLOORS.
  - ④ BUILDING DIMENSIONS - THE BUILDING DIMENSIONS WERE SUPPLIED BY OWNER AND SHALL BE V.P.F. NEW WALLS SHALL BE FIELD LOCATED AS SHOWN AND DEPICTED ON THESE DRAWINGS.
  - ⑤ STAIRWAY - FRAME OPENING AND CONSTRUCT NEW FRAMEWAY IN ACCORDANCE WITH SECTION R311.7.8.
  - ⑥ EXTERIOR WALL - THE EXTERIOR WALL SHALL BE FIRE-RESISTANCE CONSTRUCTION IN ACCORDANCE WITH THE TABLE R602.1(1).
  - ⑦ SMOKE ALARM - PROVIDE EACH BEDROOM AND HALLWAYS IN ACCORDANCE WITH 907.2.10.2.
  - ⑧ ATTIC ACCESS - PROVIDE OPENING IN CLOSET TO ACCESS ATTIC SECTION 5106.2

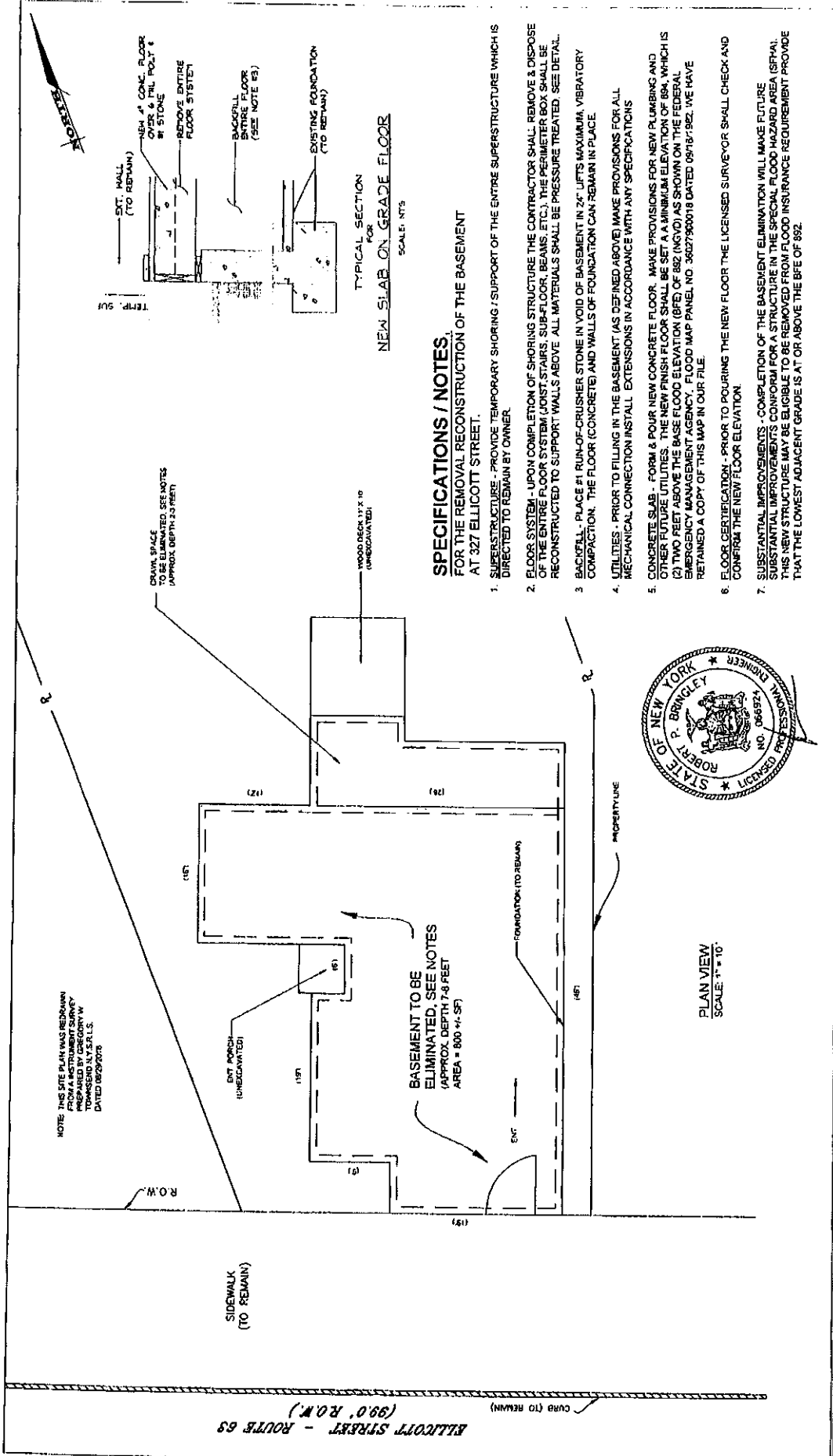




EXISTING SECOND FLOOR  
SCALE: NOT TO SCALE



EXISTING FIRST FLOOR  
SCALE: NOT TO SCALE



NOTE: THIS SITE PLAN WAS REBORN FROM A INSTRUMENT SURVEY PREPARED BY GREGORY W. TOMASCH N.Y.S.R.L.S. DATED 08/29/2020

DRAWING SPACE FOR NOTES, SEE NOTES APPROX. DEPTH 7-8 FEET

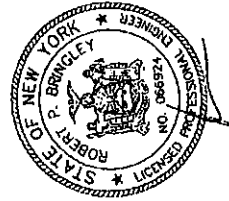
BASEMENT TO BE ELIMINATED, SEE NOTES (APPROX. DEPTH 7-8 FEET AREA = 800 +/- SF)

PLAN VIEW SCALE: 1" = 10'

TYPICAL SECTION FOR NEW SLAB ON GRADE FLOOR SCALE: NTS

**SPECIFICATIONS / NOTES FOR THE REMOVAL RECONSTRUCTION OF THE BASEMENT AT 327 ELLICOTT STREET.**

1. SUPERSTRUCTURE - PROVIDE TEMPORARY SHORING / SUPPORT OF THE ENTIRE SUPERSTRUCTURE WHICH IS DIRECTED TO REMAIN BY OWNER.
2. FLOOR SYSTEM - UPON COMPLETION OF SHORING STRUCTURE THE CONTRACTOR SHALL REMOVE & DISPOSE OF THE ENTIRE FLOOR SYSTEM (JOIST, STAIRS, SUB-FLOOR, BEAMS, ETC.). THE PERIMETER BOX SHALL BE RECONSTRUCTED TO SUPPORT WALLS ABOVE. ALL MATERIALS SHALL BE PRESSURE TREATED. SEE DETAIL.
3. BACKFILL - PLACE #1 RUN-OF-CRUSHER STONE IN VOID OF BASEMENT IN 24" LIFTS MAXIMUM. VIBRATORY COMPACTION. THE FLOOR (CONCRETE) AND WALLS OF FOUNDATION CAN REMAIN IN PLACE.
4. UTILITIES - PRIOR TO FILLING IN THE BASEMENT (AS DEFINED ABOVE) MAKE PROVISIONS FOR ALL MECHANICAL CONNECTIONS TO REMAIN. INSTALL EXTENSIONS IN ACCORDANCE WITH ANY SPECIFICATIONS.
5. CONCRETE SLAB - FORM & POUR NEW CONCRETE FLOOR. MAKE PROVISIONS FOR NEW PLUMBING AND OTHER FUTURE UTILITIES. THE NEW FINISH FLOOR SHALL BE SET AT A MINIMUM ELEVATION OF 694, WHICH IS (2) TWO FEET ABOVE THE BASE FLOOD ELEVATION (BFE) OF 692 (MGVD) AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY - FLOOD MAP PANEL NO. 3627560018 DATED 08/16/18. WE HAVE RETAINED A COPY OF THIS MAP IN OUR FILE.
6. FLOOR CERTIFICATION - PRIOR TO POLING THE NEW FLOOR THE LICENSED SURVEYOR SHALL CHECK AND CONFIRM THE NEW FLOOR ELEVATION.
7. SUBSTANTIAL IMPROVEMENTS - COMPLETION OF THE BASEMENT ELIMINATION WILL MAKE FUTURE SUBSTANTIAL IMPROVEMENTS CONFORM FOR A STRUCTURE IN THE SPECIAL FLOOD HAZARD AREA (SFHA). THIS NEW STRUCTURE MAY BE ELIGIBLE TO BE REMOVED FROM FLOOD INSURANCE REQUIREMENT PROVIDED THAT THE LOWEST ADJACENT GRADE IS AT OR ABOVE THE BFE OF 692.



**BASEMENT ELIMINATION PLAN**  
**FUTURE APARTMENT BLDG. RENOVATION**  
 327 ELLICOTT STREET  
 CITY OF BATAVIA GENESEE COUNTY NEW YORK

JOB NO: 1125-20  
 SCALE: 1" = 10'  
 DRAWN: RPR  
 DESIGNED: RPB  
 DATE: 06/02/2020

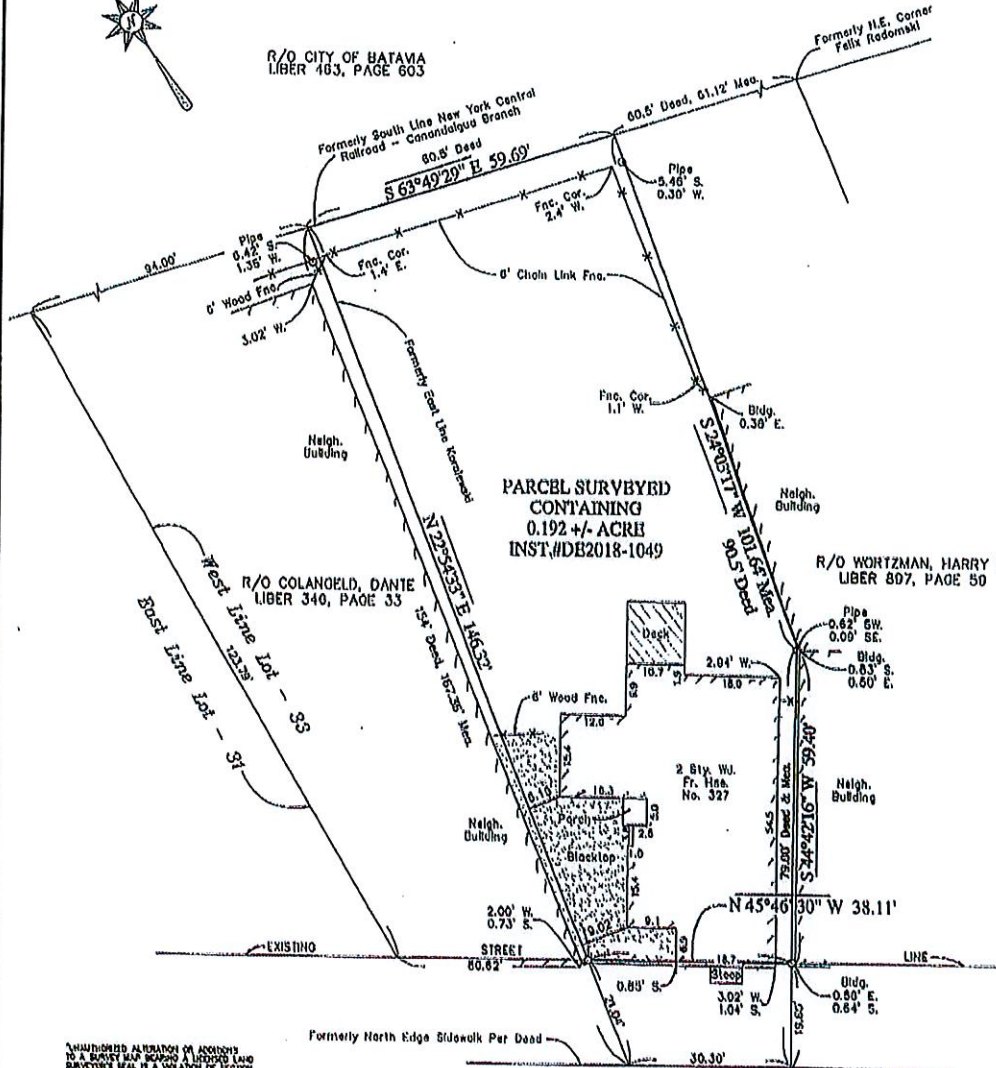
**MARATHON ENGINEERING**  
 14 COLLEGE AVENUE  
 ALBANY, NY 12207  
 TEL: 518.263.1111  
 FAX: 518.263.1112  
 WWW.MARATHONENG.COM

File: 1125-20.dwg, Date: 6/2/2020, 11:25:20 AM, User: RPB

GREGORY W. TOWNSEND  
 Licensed Land Surveyor  
 115 Washington Avenue  
 Batavia, New York 14020  
 Phone (585) 344-1331  
 Fax (585) 210-4313



R/O CITY OF BATAVIA  
 LIBER 163, PAGE 603



PARCEL SURVEYED  
 CONTAINING  
 0.192 +/- ACRES  
 INST.#DB2018-1049

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

I, GREGORY W. TOWNSEND, CERTIFY TO:  
 THE BANK OF CASTILE, ITS SUCCESSORS AND/OR ASSIGNS  
 MAINELL, LLC  
 FOOTE & MEYER, PLLC

BOUNDARY SURVEY SHOWING THE PARCEL  
 TO BE CONVEYED BEING PART OF ORIGINAL  
 VILLAGE LOT NO. 33, SITUATE IN THE CITY  
 OF BATAVIA, COUNTY OF GENESEE AND STATE  
 OF NEW YORK.

AUGUST 27, 2010 SCALE 1" = 20'  
 JOB NO. 10-305

DATE 8/27/10 Gregory W. Townsend  
 N.Y.S.R.L.S. NO. 60249

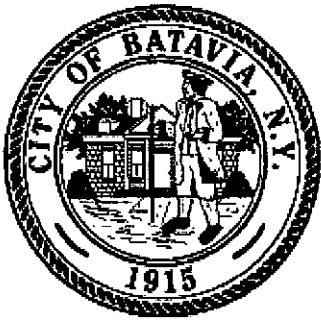
"UNAUTHORIZED ALTERATION OR ADDITIONS  
 TO A SURVEY MAP VIOLATES A FEDERAL LAW  
 AND MAY BE SUBJECT TO A FINE OF UP TO \$5000  
 PER VIOLATION."

"ONLY COPIES FROM THE ORIGINAL OF THIS  
 SURVEY MAP ARE VALID. ANY OTHER COPIES  
 OF THIS SURVEY MAP ARE UNLAWFUL AND  
 SHALL BE CONSIDERED TO BE VOID AND OF NO  
 EFFECT."

LEGEND  
 ○ EXISTING IRON STAKE  
 ○ SET IRON PIN

REFERENCES  
 SURVEY MAP NO. 89-334 BY DAVID S. LAMENDOLA, L.S.,  
 DATED NOVEMBER 20, 1989  
 SURVEY MAP NO. 04-80A BY GREGORY W. TOWNSEND, L.S.,  
 DATED AUGUST 2, 2012  
 SURVEY MAP NO. 02-30 BY DAVID S. LAMENDOLA, L.S., LAST  
 DATED MARCH 15, 2002





*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  
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 10/3/22

Re: 210-212 East Main St.  
Tax Parcel No. 84.058-1-4.2

Zoning Use District: C-3

The applicant, John Flannery (contractor for owner), has applied for approval to install one 99 sq.ft. electronic message board sign on the west elevation of the existing marquee sign and one 41 sq.ft. electronic message board sign on the east elevation of the existing marquee sign. The sign is located within the Central Commercial District / Business Improvement District.

**Note:** This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (1).

**Review and Approval Procedures:**

**City Planning and Development Committee-** Pursuant to section 190-43 EE., the Planning and Development Committee shall review and issue recommendations to the ZBA for variances pertaining to signs located within the Central Commercial District (C-3).

**Zoning Board of Appeals-** Pursuant to section 190-49 and 190-43 EE., the ZBA shall review and act on required variances.

Variance- Area

- 1) **BMC 190-43 Z (8) Electronic message board signs are not permitted within the C-3 Central Commercial District / B.I.D.**
- 2) **BMC 190-43 Z (7)(c) An electronic message board may not change or move more often than once every ten seconds.**
- 3) **BMC 190-434 Z (7)(d) The images and messages displayed must be static and not produce the illusion of scrolling, moving objects, expanding or contracting shapes, rotation or any similar effect of animation.**



**CITY OF BATAVIA**  
**APPLICATION TO THE ZONING BOARD OF APPEALS**

Application No.: \_\_\_\_\_  
Hearing Date/Time: \_\_\_\_\_

**APPLICANT:** Kircher Construction, Inc. jflannery@kircherconstruction.com

Name 3090 Mt. Morris-Geneseo Road E-Mail Address \_\_\_\_\_  
Street Address 585-370-8077 Phone \_\_\_\_\_ Fax \_\_\_\_\_  
Mt Morris NY 14510  
City State Zip

**STATUS:**  Owner  Agent for Owner  Contractor

**OWNER:** City Church, Inc.

Name \_\_\_\_\_ E-Mail Address \_\_\_\_\_  
210-212 East Main Street 585-343-1225  
Street Address Phone Fax  
Batavia NY 14020  
City State Zip

**LOCATION OF PROPERTY:** 210-212 East Main Street, Batavia NY 14510

**DETAILED DESCRIPTION OF REQUEST:** Renovate existing marquee - upgrade lighting with LED  
Install digital display signage at marquee in location of current backlit lettering/signage

Applicant must be present at the hearing date. Failure to do so will result in the application being discarded. It is the responsibility of the applicant to present evidence sufficient to satisfy the Zoning Board of Appeals that the benefit of the applicant does not outweigh the health, safety, morals, aesthetics and general welfare of the community or neighborhood.

Jmf \_\_\_\_\_ 9-28-22  
Applicant's Signature Date

RMM \_\_\_\_\_ 9-28-22  
Owner's Signature Date

*To be Filled out by Zoning Officer*

**TAX PARCEL:** 84.058-1-4.2 **ZONING DISTRICT:** C-3 **FLOOD PLAIN:** C

**TYPE OF APPEAL:**  Area Variance **FEE:**  \$50 (One or Two Family Use)  
 Use Variance  \$100 (All other Uses)  
 Interpretation  
 Decision of Planning Committee

Provision(s) of the Zoning Ordinance Appealed: BMC 190-432(8) Elec. message bd signs  
are not permitted in the C-3; BMC 190-432(7)(c); BMC 190-432(7)(d)

## Criteria to Support Area Variance

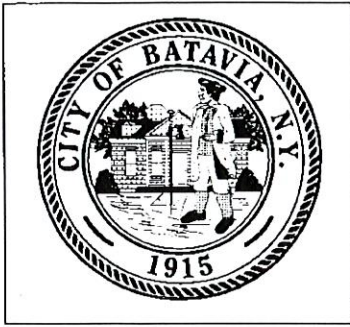
In making its determination, the zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, moral, aesthetics and welfare of the neighborhood or community. The Zoning Board of Appeals shall consider the following test, as per §81-b of the General City Law when making its determination:

Explain how the proposal conforms to EACH of the following requirements:

1. **Undesirable Change in neighborhood Character.** The granting of the variance will not produce an undesirable change in the neighborhood or a detriment to nearby properties. Signage will be used to display services and information to the local community members not only congregation members. The intent of this display would be similar to other digital signage that is currently in place within the city limits (i.e. Oliver's, Dunkin Donuts, Batavia downs)
2. **Alternative Cure Sought.** There are no other means feasible for the applicant to pursue that would result in the difficulty being avoided or remedied, other than the granting of the area variance. the digital display will include a renovation to the existing marquee making for a long term solution that will improve the property and local community rather than repair the old marquee construction
3. **Substantiality.** The requested area variance is not substantial. The marquee is existing the proposed variance would be to bring the signage up to the current technological advancement
4. **Adverse Effect or Impact.** The requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or community. The proposed sign would inform and encourage community members.
5. **Not Self-Created.** The alleged difficulty existed at the time of the enactment of the provision or was created by natural force or governmental action, and was not the result of any action by the owner or the predecessors in title. Due to deterioration and age of the existing marquee signage the need for a renovation is preventative before function becomes obsolete

  
Applicant's Signature

09-28-2022  
Date



Permit No.: \_\_\_\_\_  
Date: \_\_\_\_\_  
Zone: \_\_\_\_\_

**SIGN PERMIT APPLICATION**  
**City of Batavia**  
One Batavia City Centre, Batavia, NY 14020  
(585) 345-6345 • Fax (585) 345-1385

**APPLICANT/OWNER:** City Church, Inc. jflannery@kircherconstruction.com  
Name E-mail Address  
210-212 East Main Street 585-370-8077  
Street Address Phone Fax  
Batavia, NY 14020  
City, State, Zip Code

**ADDRESS OF SIGN:** 210-212 East Main Street Batavia NY 14020

*2 signs.*

**AREA OF SIGN:** north side Length 22'3" Width 4'5" Area 99 SF

**TYPE OF SIGN:** east side 9'3" 4'5" 41 SF

1. All sign applications must have an illustration of the sign with its dimensions and copy.
2. Freestanding signs must have a Sit Plan to show the sign's location on the property.
3. All other signs must include an elevation plan to show the sign's placement on the building.

- Freestanding Set Back \_\_\_\_\_ Height \_\_\_\_\_
- Wall Wall Length \_\_\_\_\_ Wall Height \_\_\_\_\_ Area \_\_\_\_\_
- Projecting
- Marquee
- Awning / Canopy Length \_\_\_\_\_ Height \_\_\_\_\_ Area \_\_\_\_\_
- Window Window Length \_\_\_\_\_ Window Height \_\_\_\_\_ Area \_\_\_\_\_
- Portable

**Lighting:**  Internal **LED**  External

**Existing Signs** (Please list all existing signs with dimensions):

12' Off Facade x 28'3" wide  
\_\_\_\_\_  
\_\_\_\_\_

**Applicant's Signature** *Jmf* **Date** 09-28-22

**Issuing Officer** \_\_\_\_\_ **Date** \_\_\_\_\_

**Planning Board Chairperson** \_\_\_\_\_ **Date** \_\_\_\_\_

**FEES:** Sign permit, see attached table \_\_\_\_\_ \$30 Portable Sign



watchfire 

**4'5" x 22'3" 6mm**

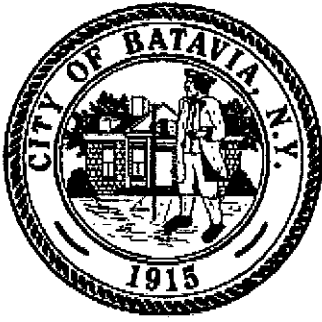
FOR DEMONSTRATION PURPOSES ONLY © 2022 Watchfire Signs



watchfire 

**4'5" x 9'3" 6mm**

FOR DEMONSTRATION PURPOSES ONLY © 2022 Watchfire Signs



*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: 10/3/22  
Re: 134 West Main St. and 128-130 West Main St.  
Tax Parcel No. 84.010-3-22 and 84.010-3-21

Zoning Use District: C-2

The applicant, Ryan Macdonald (purchaser), has applied for a rooming house permit to operate two existing rooming house structures. 134 West Main St. contains 5 rooming house units and 2 self-contained apartments. The front building of 128-130 West Main contains 13 rooming house units and 2 self-contained apartments.

The applicant is purchasing these two properties from the present rooming house operator, Terrence Platt.

**Note:** This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (24).

**Review and Approval Procedures:**

**City Planning and Development Committee-** Pursuant to section 143-4 A of the zoning ordinance, the Planning and Development Committee shall, prior to issuance, approve rooming house permit applications in compliance with Chapter 143.

**143-5 A (3)** In the event a rooming house is sold or the ownership is in anyway changed, the existing permit shall be terminated and a new application shall be made.



City of Batavia  
One Batavia City Centre  
Batavia, NY 14020  
(585) 345-6345 Fax: (585) 345-1385

### APPLICATION FOR ROOMING HOUSE PERMIT

APPLICANT Ryan Macdonald DATE 9/30/2022

ADDRESS 134 W. Main St 84.010-3-22 PHONE 585-343-1225

LOCATION OF ROOMING HOUSE Batavia, NY

PRESENT OWNER/OPERATOR Terrence Platt

ZONE C-2 NO. OF ROOMS 5 NO. OF ROOMERS 5

APPLICANT'S SIGNATURE  DATE 9/30/2022

ISSUING OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

CITY PLANNING BOARD \_\_\_\_\_

APPLICATION NO. 1-2022 (transfer)

COMMENTS 5 Rooming house units and 2 self contained apartments.

\_\_\_\_\_  
\_\_\_\_\_





**City of Batavia**  
 One Batavia City Centre  
 Batavia, NY 14020  
 (585) 345-6345 Fax: (585) 345-1385

**APPLICATION FOR ROOMING HOUSE PERMIT**

APPLICANT Ryan Macdonald DATE 9/30/2022

ADDRESS <sup>128-130</sup> 130 W. Main St 84.010-3-21 (Front Bldg) PHONE 585-343-1225  
130 W. Main

LOCATION OF ROOMING HOUSE Batavia, NY

PRESENT OWNER/OPERATOR Terrence Platt

ZONE C-2 NO. OF ROOMS 13 NO. OF ROOMERS 13

APPLICANT'S SIGNATURE  DATE 9/30/2022

ISSUING OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

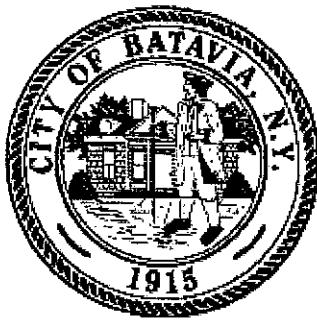
CITY PLANNING BOARD \_\_\_\_\_

APPLICATION NO. 2-2022 (transfer)

COMMENTS 13 Rooming house units and 2 self contained apartments.

\_\_\_\_\_

\_\_\_\_\_



# Rooming House Renewal Permit

Permit No. 2022-2

For Property Address: **134 West Main St.**

Number of Rooms: 5

Number of Residents: 5

## Contact Information

Owner: Terry Platt  
Address: PO Box 338  
Batavia, NY 14021  
Phone: (716) 474-2122

Emergency Contact: Heidi Ferry Phone: 716-498-2816

Permit issued: 6/6/22  
Permit expires: December 31, 2022

Applicant Signature

Date

9/28/22

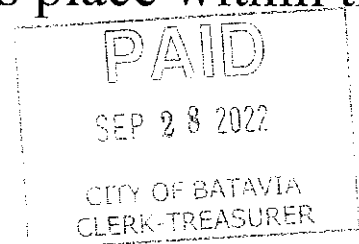
Code Enforcement Officer

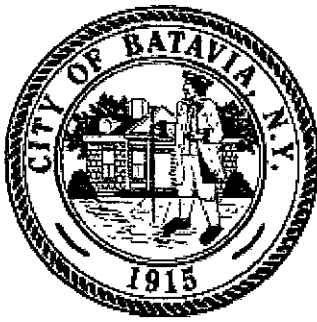
Date

10/6/22

Annual renewal fee \$150.00

This permit shall be posted in a conspicuous place within the rooming house.





# Rooming House Renewal Permit

Permit No. 2022-3

For Property Address: **130 West Main St.**

Number of Rooms: 13

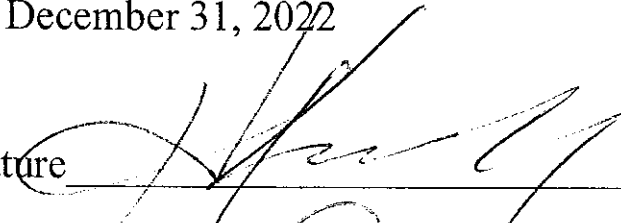
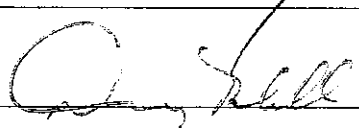
Number of Residents: 13

## Contact Information

Owner: Terry Platt  
Address: PO Box 338  
Batavia, NY 14021  
Phone: (716) 474-2122

Emergency Contact: April Walradt Phone: 344-0387

Permit issued: 6/6/22  
Permit expires: December 31, 2022

Applicant Signature  Date 9/28/22  
Code Enforcement Officer  Date 6/6/22

Annual renewal fee \$150.00

This permit shall be posted in a conspicuous place within the rooming house.

