

PLANNING & DEVELOPMENT COMMITTEE

Tuesday, May 21, 2019

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

AGENDA

- I. Roll Call
- II. Call to Order
- III. Approval of Minutes – 4/16/19
- IV. Proposals

Address: 52 Cedar St.
Applicant: Guy Clark (owner)

Proposal #1 Site Plan Review and Area Variance for the construction of a 6,000 sq.' pole-style building on this undeveloped parcel. The uses will include an area of approximately 900 sq.' for retail sales and 5,100 sq.' for storage and service operations related to the Cedar Street Sales and Rentals business.

Actions:

- 1. Review application
- 2. Public hearing and discussion
- 3. SEQR
- 4. Action by the board
 - a. Site Plan
 - b. Recommendation to the ZBA for Area Variance

Public storage rental units.

Proposal #2 City Council has requested that the Planning and Development Committee review permitted zoning of public storage units in the Batavia Municipal Code, to include application and implementation matters, as well as potential revisions, and make recommendations to City Council for consideration

Actions:

- 1. Discuss storage unit information
- 2. Action by the board

- V. Other/ New Business/Updates
- VI. Setting of Next Meeting: June 18, 2019
- VII. Adjournment

PLANNING & DEVELOPMENT COMMITTEE

DRAFT MINUTES

April 16, 2019

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

Members present: *Edward Flynn, Matt Gray, Robert Knipe*

Members absent: Tammy Hathaway, Duane Preston, Marc Staley

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

I. Roll Call

Roll call of the members was conducted. Three members were present and Acting Chairman Ed Flynn declared a quorum.

II. Call to order

Mr. Flynn called the meeting to order at 6:05 pm.

III. Previous Meeting Minutes

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

RESULT: Approval of February 28, 2018 meeting minutes.

IV. Proposal

City Council has requested that the Planning and Development Committee review permitted zoning of public storage units in the Batavia Municipal Code, to include application and implementation matters, as well as potential revisions, and make recommendations to City Council for consideration

Applicant: City Council

Actions: 1. Review application and discussion
2. Recommendation to City Council

1. Review Application and Discussion

Mr. Flynn summarized the proposal. City Council has requested for the PDC to review the zoning code regarding large item outdoor storage units. City Council would like recommendations for which districts would be acceptable for placement of such storage facilities, and what restrictions and conditions should be put in place concerning their usage.

The request was based on a proposed project for outside storage. The applicant was informed that the City does not allow outside storage units. The proposal went before the Genesee

County Planning Board which recommended that instead of seeking a Use Variance, the City should consider changing the ordinance governing outside storage.

Mr. Randall explained the applicant is seeking to construct storage units for the purpose of outside storage. He noted that the applicant would prefer that the storage units be placed in the area in which he is located, which is the I-1 / I-2 district.

Mr. Gray asked if storage units are allowed anywhere in the City, and Mr. Randall responded that they are not.

Mr. Flynn asked about Mr. Gautieri's storage units, and Mr. Randall said that those units were approved administratively in 1998. He pointed out that the storage units where Triangle Liquor was located, in a C-2 district, were approved by a Use Variance.

Mr. Gray said he believes this type of storage should be permitted somewhere in the City, with his preference for location being an industrial district rather than a commercial one.

2. Action by the Board

Following discussion, the PDC agreed that public storage units should be allowed in industrial districts with these considerations:

- Buffering
- Landscaping
- Fenced in
- Will be setback
- No flammables
- No food
- No junk
- Single story
- Zero lot lighting
- Will be approved by Special Use Permit

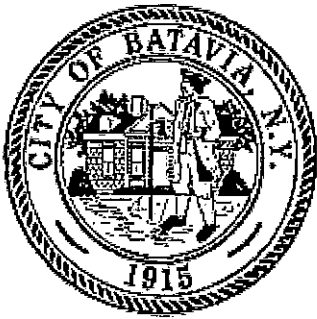
Mr. Randall will draft incorporate the above items into a draft which the PDC will vote on at the next meeting. The time frame for the process will be approximately four months, and the City Council will be responsible for SEQR.

V. Setting of Next Meeting: May 21, 2019

VI. Adjournment

Mr. Knipe moved to adjourn the meeting at 6:27 p.m.; the motion was seconded by Mr. Gray. 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: Genesee County Planning
Planning and Development Committee
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 4/29/19

Re: 52 Cedar St.
Tax Parcel No. 84.020-1-9

Zoning Use District: I-2

The applicant, Guy Clark (owner), has filed an application to construct a 6,000 square foot pole style building on this undeveloped parcel. The uses will include an area of approximately 900 square feet for retail sales and 5,100 square feet for storage and service operations related to the Cedar Street Sales and Rentals business.

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 boundary of a County or State park or other recreation area.

City Planning and Development Committee- Pursuant to section 190-44 C. (1)(a) of the zoning ordinance, the Planning and Development Committee shall perform a site plan review of applications for new buildings that increase the lot coverage by more than 1,300 square feet.

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- Area

- 1) **BMC 190-39 B(a)** Parking shall be located behind or to the side of the principal building. The plan indicates parking across the front of the building.

The PDC will conduct the uncoordinated review of SEQR.

SEND OR DELIVER TO:

GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 344-2580 Ext. 5467



*** 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) PDC and ZBA
Address One Batavia City Centre
City, State, Zip Batavia, NY 14020
Phone (585) 345 - 6347 Ext. _____

2. APPLICANT INFORMATION

Name Guy Clark
Address 111 Cedar St.
City, State, Zip Batavia, NY 14020
Phone (585) 343 - 4899 Ext. _____ Email _____

MUNICIPALITY: City Town Village of Batavia

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

- | | | |
|------------------------------------------------------|----------------------------------------------------|-----------------------------------------------|
| <input checked="" type="checkbox"/> Area Variance | <input type="checkbox"/> Zoning Map Change | <input type="checkbox"/> Subdivision Proposal |
| <input 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 checked="" type="checkbox"/> Site Plan Review | <input type="checkbox"/> Other: _____ | |

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

A. Full Address 52 Cedar St.
B. Nearest intersecting road Florence
C. Tax Map Parcel Number 84.020-1-9
D. Total area of the property .98 acres Area of property to be disturbed _____
E. Present zoning district(s) I-2

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 190-39 B (a) Parking

C. Please describe the nature of this request Approval to construct a 6,000 sq.' building for retails sales and storage

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 checked="" type="checkbox"/> Site plan | <input type="checkbox"/> Location map or tax maps | <input checked="" type="checkbox"/> Photos |
| <input type="checkbox"/> Subdivision plot plans | <input checked="" type="checkbox"/> Elevation drawings | <input checked="" type="checkbox"/> Other: <u>Cover letter</u> |
| <input checked="" type="checkbox"/> SEQR forms | <input type="checkbox"/> Agricultural data statement | |

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17.
Email to planning@co.genesee.ny.us

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 drandall@batavianewyork.com



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 19-05
Hearing Date/Time: _____

APPLICANT: Guy Clark
Name 111 Cedar St. E-Mail Address _____
Street Address Batavia Phone 343-4899
City NY State 14050 Zip _____

STATUS: Owner Agent for Owner Contractor

OWNER: Same
Name _____ E-Mail Address _____
Street Address _____ Phone _____ Fax _____
City _____ State _____ Zip _____

LOCATION OF PROPERTY: 52 Cedar St.

DETAILED DESCRIPTION OF REQUEST: Approval for parking at the front of the new building.

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.

[Signature] Applicant's Signature Date 4/29/19
[Signature] Owner's Signature Date 4/29/19

To be Filled out by Zoning Officer

TAX PARCEL: 84.050-1-9 ZONING DISTRICT: I-2 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 190-39 B(a) Parking shall be located behind or to the side of the principal building.

PAID
APR 30 2019
CITY OF BATAVIA
CLERK-TREASURER

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.

The requested four parking spaces to be located in front of the building will be located approximately 100' from road and should not have negative impact on neighborhood.

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.

Due to site configuration, we are limited in where we can locate parking and still maintain room for truck deliveries.

3. **Substantiality.** The requested area variance is not substantial.

Parking is for only four spaces, and is located 100' from road and behind fence.

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 four parking spaces located in front of building should not have any impact on environment or neighborhood.

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.

Requested change is result of property configuration, which limits alternatives.


Applicant's Signature

4/29/19
Date

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.

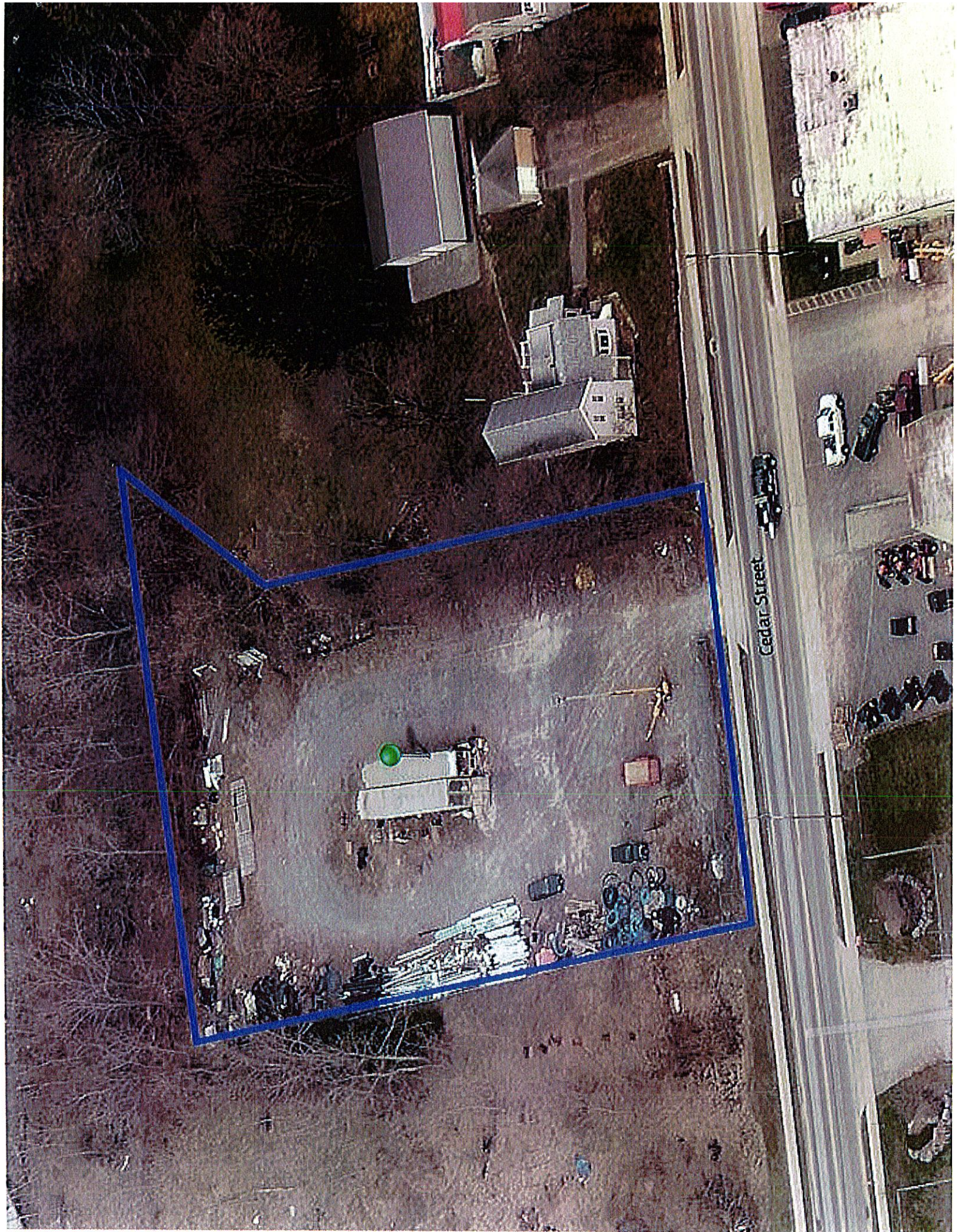
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Cedar Street Sales Retail/storage Building			
Project Location (describe, and attach a location map): 52 151 Cedar Street, City of Batavia, location map provided in submitted plans			
Brief Description of Proposed Action: Proposal is to construct 60ft x 100ft pole barn type building for use as retail sales and inventory storage. Project will include concrete loading dock. Majority of building will not be conditioned, only restroom is proposed to be conditioned at this time.			
Name of Applicant or Sponsor: Andrew Schmieder		Telephone: (585) 297 - 3552 E-Mail: ads60@verizon.net	
Address: 11142 Alexander Road			
City/PO: Attica		State: NY	Zip Code: 14011
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 checked="" 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 checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 0.98 acres b. Total acreage to be physically disturbed? _____ 0.30 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 2.28 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" 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 checked="" 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	YES	
	<input type="checkbox"/>	<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	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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	YES	
	<input checked="" type="checkbox"/>	<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	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input 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 checked="" 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 checked="" type="checkbox"/>	<input 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)? If Yes, briefly describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Roof runoff will be directed to drainage swale located west of property		
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"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Andrew Schmieder</u> Date: <u>4/26/19</u>		
Signature: <u>Andrew Schmieder</u> Title: <u>Log</u>		





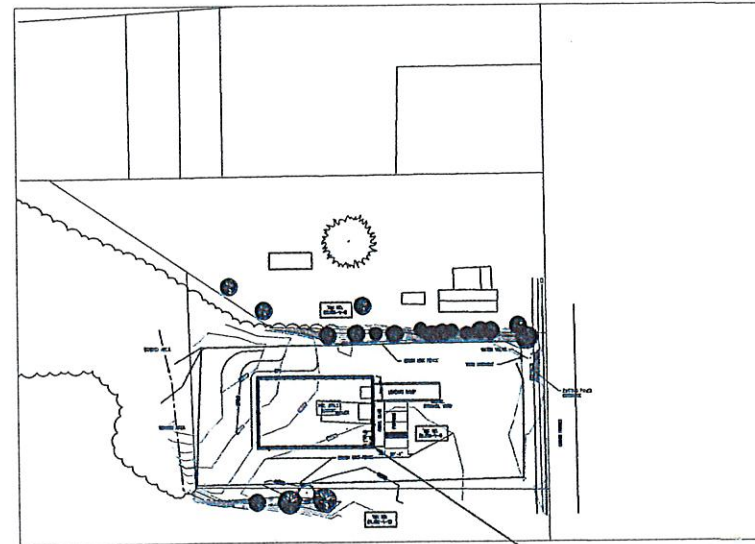
Cedar Street

CEDAR STREET SALES AND RENTAL

52 ~~111~~ CEDAR SREET , BATAVIA, NY

RETAIL/STORAGE BUILDING

SHEET INDEX					
DWG. NO.	DESCRIPTION	SHEET NO.	REVISIONS		
			XX/XX/XX	XX/XX/XX	XX/XX/XX
T-1	TITLE SHEET	1 OF 16	△	△	△
N-1	CODE COMPLIANCE	2 OF 16			
N-2	GENERAL NOTES	3 OF 16			
C-1	EXISTING SITE LAYOUT	4 OF 16			
C-2	PROPOSED SITE LAYOUT	5 OF 16			
C-3	SITE DETAILS	6 OF 16			
S-1	BUILDING LAYOUT	7 OF 16			
S-2	EAST/WEST WALL FRAMING	8 OF 16			
S-3	ELEVATION/SECTION	9 OF 16			
S-4	STRUCTURAL DETAILS	10 OF 16			
S-5	ROOF FRAMING PLAN	11 OF 16			
F-1	FOUNDATION LAYOUT/DETAILS	12 OF 16			
F-2	LOADING DOCK LAYOUT	13 OF 16			
E-1	ELECTRICAL PLAN	14 OF 16			
E-2	ELECTRICAL DETAILS	15 OF 16			
M-1	MECH / PLUMBING PLAN	16 OF 16			



PROJECT LOCATION

SUMMARY OF WORK:

THE FOLLOWING REPRESENTS THE BASIC SCOPE OF WORK:

- CONSTRUCT 60FT X 100FT POLE BARN TYPE WOOD STRUCTURE TO BE USED FOR RETAIL AND MATERIAL STORAGE. ONLY BATHROOM AREA WILL BE CONDITIONED. ELECTRIC SERVICE TO BE PROVIDED TO STRUCTURE ALONG WITH FIRE ALARM NOTIFICATION DEVICES.

CONTACT INFORMATION:

OWNER:
CEDAR STREET SALES:
GUY CLARK
PH: (585) 409-0395

GENERAL CONTRACTOR:
KELLY CONSTRUCTION, LLC
DAN KELLY
PH: (716)-560-0331

BUILDING INSPECTOR:
CITY OF BATAVIA
DOUG RANDALL
PH: (585) 343-1729

ENGINEER:
ANDREW SCHMIEDER, PE
PH: (585) 297-3552

CERTIFICATIONS

- TO THE BEST OF MY KNOWLEDGE AND UNDERSTANDING THE DRAWINGS CONVEYED ON THESE CONSTRUCTION DOCUMENTS COMPLY WITH THE BUILDING CODE OF NEW YORK STATE, 2015 EDITION, AND ALL PURSUANT DOCUMENTS.
- TO THE BEST OF MY KNOWLEDGE AND UNDERSTANDING THE DRAWINGS CONVEYED ON THESE CONSTRUCTION DOCUMENTS COMPLY WITH THE ENERGY CONSERVATION CONSTRUCTION CODE OF NEW YORK STATE, 2015 EDITION, INCLUDING ADDITIONAL INSULATION PROVIDED BY OTHERS.

Andrew Schmieder 4/24/19
SIGNED DATE

PLANS ISSUED FOR:

<input checked="" type="checkbox"/> PRELIMINARY	DATE: 04/14/19
<input type="checkbox"/> REVIEW	DATE: _____
<input checked="" type="checkbox"/> PERMIT	DATE: 04/24/19
<input type="checkbox"/> REVISIONS	DATE: _____
<input type="checkbox"/> AS-BUILTS	DATE: _____
<input type="checkbox"/> CONSTRUCTION	DATE: _____
PROJECT MANAGER: ANDREW SCHMIEDER	

Dig Safely.
New York
800-962-7962
www.digsafelynewyork.org

- Call Before You Dig
- Wait The Required Time
- Confirm Utility Response
- Respect the Marks
- Dig With Care

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DRAWING IS A VIOLATION OF NEW YORK STATE EDUCATION LAW ARTICLE 145.

NO.	DATE	DESCRIPTION	REVISIONS
3			
2			
1			



ANDREW SCHMIEDER, PE
11142 ALEXANDER ROAD, ATTICA, NY
(585) 297-3552

DRAWING TITLE: COVER SHEET
PROJECT NAME: STORAGE / RETAIL BUILDING
111 CEDAR ST., BATAVIA, NY
CLIENT: CEDAR STREET SALES
151 CEDAR STREET, BATAVIA, NY

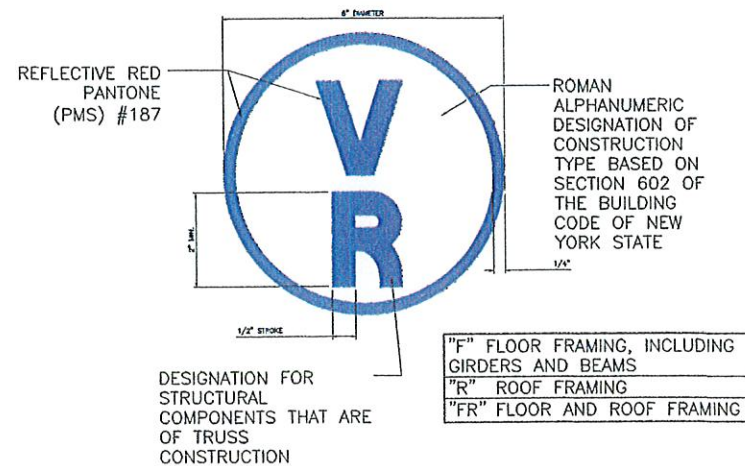
PROJECT NO.: 005-2019	PROJ. MGR: ADS
DATE: 4-3-19	DRWN. BY:
SCALE: AS NOTED	CHKD. BY: ADS
DRAWING NO: T-1	
SHEET NO. 1 of 16	

STORAGE BUILDING CODE COMPLIANCE							
ITEM	SECTION	REQ'D/ALLOW'D	PROPOSED	ITEM	SECTION	REQ'D/ALLOW'D	PROPOSED
CLASSIFICATION & DESIGN				STRUCTURAL REQUIREMENTS			
OCCUPANCY GROUP	CHAPTER 3	M	M	BLDG CLASS/SEISMIC USE GRP	TABLE 1604.5	II	II
ACCESSORY USE AREAS	SECTION 302.2	< %10	< %10	MAXIMUM FLOOR LIVE LOAD	TABLE 1607.1	VEH.WT.	VEH WT
SPECIAL USE & OCCUPANCY	CHAPTER 4	NA/MINOR SERVICE	NA	ROOF LIVE LOAD	SECTION 1607.12	20 PSF	20 PSF
BUILDING AREA	CHAPTER 5			GROUND SNOW LOAD	FIGURE 1608.1	50 PSF	50 PSF
SPRINKLER INCREASE	SECTION 506	NA	NA	ROOF SNOW LOAD (P1)	SECTIONS 1608.1	40 PSF	40 PSF
FRONTAGE INCREASE	SECTION 506	NA	NA	SNOW LOAD IMP. FACTOR	ASCE-7	1.0	1.0
BUILDING HEIGHT	TABLE 504.3	65'	25'	SNOW EXPOSURE FACTOR	ASCE 7	0.9	0.9
ALLOW AREA	SECTION 506.2	9,000	6,000	THERMAL FACTOR FACTOR	ASCE-7	1.2	1.2
NUMBER OF STORIES	TABLE 504.4	1	1	BASIC WIND SPEED	FIGURE 1609	115 MPH	115 MPH
				EQUIVALENT WIND SPEED	TABLE 1609.3.1	89 MPH	89 MPH
CONSTRUCTION TYPE	CHAPTER 6	ANY	TYPE VB	MAX. WIND LOAD	TABLE 1609.6	18 PSF	18 PSF
FIRE RESISTANCE RATING	TABLE 602	0	0	FLOOD LOAD	SECTION 1612	NA	NA
FIRE SAFETY FEATURES				SITE CLASS			
FIRE WALLS	SECTION 706	NA	NA	SEISMIC DESIGN CATEGORY	ASCE 7	B	B
FIRE BARRIERS	SECTION 706	NA	1HR	SEISMIC MAPPING FACTORS			
FIRE PARTITIONS	SECTION 708/1004.3.2.1	NA	NA	S _S	FIGURE 1613 (1)		0.204
AUTOMATIC SPRINKLER SYSTEM	SECTION 903.2.9	NA	NA	S ₁	FIGURE 1613 (2)		0.062
				FIRE RESISTANCE RATINGS			
FIRE EXTINGUISHERS	NYSFC SECTION 906	3	3	STRUCTURAL FRAME	TABLE 601	0	0
FIRE & SMOKE DETECTION	SECTION 907	NR	Y	INTERIOR BEARING WALLS	TABLE 601	0	0
FIRE ALARM SYSTEM	SECTION 907	NR	Y	EXTERIOR BEARING WALLS	TABLE 601	0	0
				INTERIOR NON-BEARING WALLS	TABLE 602	0	0
				EXTERIOR NON-BEARING WALLS	TABLE 602	0	0
MEANS OF EGRESS				ACCESSIBILITY			
TOTAL OCCUPANT LOAD	TABLE 1004.1.1	20	2	FLOOR CONSTRUCTION	TABLE 601	0	0
MIN. TTL. EGRESS WIDTH-STAIR	SECTION 1011	NA	NA	ROOF CONSTRUCTION	TABLE 601	0	0
MIN. TTL. EGRESS WIDTH-OTHER	SECTION 1005.1	0.2X12 = 4"	36"	FIRE WALLS	TABLE 706.4	NA	NA
ACCESSIBLE MEANS OF EGRESS	SECTION 1007	YES - 2	YES - 1	VERTICAL EXIT ENCLOSURE	SECTION 1020	NA	NA
MIN. EGRESS DOOR WIDTH	SECTION 1010	32" CLEAR	36" CLEAR	EXIT PASSAGEWAY	SECTION 1021	NA	NA
MIN. EGRESS STAIR WIDTH	SECTION 1011	NA	NA	INCIDENTAL USE AREAS	TABLE 508.2	N/A	N/A
MIN. EGRESS RAMP WIDTH	SECTION 1012	NA	NA	OCCUPANCY SEPARATION	TABLE 508.3.3	NA	NA
MAX. EXIT ACCESS TRAVEL	TABLE 1017	200'	60'	CORRIDORS	SECTION 1017	NA	NA
MIN. EGRESS CORRIDOR WIDTH	SECTION 1020	NA	NA	ACCESSIBILITY			
MIN. NUMBER OF EXITS	SECTION 1022	2	2	VERTICAL ACCESS	SECTION 1104.4	NA	NA
				PARKING	TABLE 1106.1	4	4

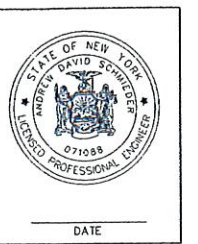
NA - NOT APPLICABLE // NC - NON-COMBUSTIBLE // C - COMBUSTIBLE // NR - NOT REQUIRED

ENERGY CONSERVATION CODE			
THERMAL ENVELOPE INSULATION COMPONENT MINIMUM REQUIREMENTS, R-VALUE METHOD			
TABLE C402.1.3			
LABEL	DESCRIPTION	VALUE	COMMENTS
1	CLIMATE ZONE	5A	
2	ATTIC AND OTHER	R-38	
3	WALLS ABOVE GRADE-WOOD FRAMED AND OTHER	R-13 + R-3.8CI OR, R-20	
4	WALLS BELOW GRADE	R-7.5CI	
5	FLOORS-JOIST FRAMING	R-30	
6	SLAB ON GRADE - UNHEATED SLAB	R-10 FOR 24" BELOW	

(PRESCRIPTIVE VALUES HAVE BEEN USED TO MEET THE 2015 IECC REQUIREMENTS)
ONLY THE BATHROOM AREA IS TO BE CONDITIONED



UNAUTHORIZED ALTERATION OR ADDITION TO THIS DRAWING IS A VIOLATION OF NEW YORK STATE EDUCATION LAW ARTICLE 145, SECTION 7209	
NO.	DATE
3	
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ANDREW SCHMIEDER, PE
11142 ALEXANDER ROAD, ATTICA, NY
(585) 297-3552

DRAWING TITLE: **CODE COMPLIANCE**
PROJECT NAME: **STORAGE/RETAIL BUILDING**
111 CEDAR ST., BATAVIA, NY
CLIENT: **CEDAR STREET SALES**
151 CEDAR STREET, BATAVIA, NY

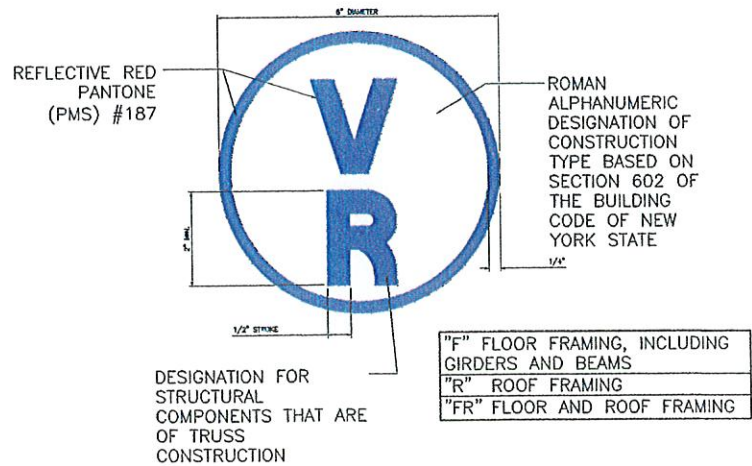
PROJECT NO.: 005-2019	PROJ. MGR. ADS
DATE: 4-3-19	DRWN. BY:
SCALE: AS NOTED	CHKD. BY: ADS
DRAWING NO: N-1	
SHEET NO. 2	of 16

STORAGE BUILDING CODE COMPLIANCE							
ITEM	SECTION	REQ'D/ALLOW'D	PROPOSED	ITEM	SECTION	REQ'D/ALLOW'D	PROPOSED
CLASSIFICATION & DESIGN				STRUCTURAL REQUIREMENTS			
OCCUPANCY GROUP	CHAPTER 3	M	M	BLDG CLASS/SEISMIC USE GRP	TABLE 1604.5	II	II
ACCESSORY USE AREAS	SECTION 302.2	< %10	< %10	MAXIMUM FLOOR LIVE LOAD	TABLE 1607.1	VEH.WT.	VEH WT
SPECIAL USE & OCCUPANCY	CHAPTER 4	NA/MINOR SERVICE	NA	ROOF LIVE LOAD	SECTION 1607.12	20 PSF	20 PSF
BUILDING AREA	CHAPTER 5			GROUND SNOW LOAD	FIGURE 1608.1	50 PSF	50 PSF
SPRINKLER INCREASE	SECTION 506	NA	NA	ROOF SNOW LOAD (Pf)	SECTIONS 1608.1	40 PSF	40 PSF
FRONTAGE INCREASE	SECTION 506	NA	NA	SNOW LOAD IMP. FACTOR	ASCE-7	1.0	1.0
BUILDING HEIGHT	TABLE 504.3	65'	25'	SNOW EXPOSURE FACTOR	ASCE 7	0.9	0.9
ALLOW AREA	SECTION 506.2	9,000	6,000	THERMAL FACTOR FACTOR	ASCE-7	1.2	1.2
NUMBER OF STORIES	TABLE 504.4	1	1	BASIC WIND SPEED	FIGURE 1609	115 MPH	115 MPH
CONSTRUCTION TYPE	CHAPTER 6	ANY	TYPE VB	EQUIVALENT WIND SPEED	TABLE 1609.3.1	89 MPH	89 MPH
FIRE RESISTANCE RATING	TABLE 602	0	0	MAX. WIND LOAD	TABLE 1609.6	18 PSF	18 PSF
FIRE SAFETY FEATURES				SITE CLASS			
FIRE WALLS	SECTION 706	NA	NA	SEISMIC DESIGN CATEGORY	ASCE 7	B	B
FIRE BARRIERS	SECTION 706	NA	1HR	SEISMIC MAPPING FACTORS			
FIRE PARTITIONS	SECTION 708/1004.3.2.1	NA	NA	S ₅	FIGURE 1613 (1)		0.204
AUTOMATIC SPRINKLER SYSTEM	SECTION 903.2.9	NA	NA	S ₁	FIGURE 1613 (2)		0.062
FIRE RESISTANCE RATINGS				FIRE RESISTANCE RATINGS			
FIRE EXTINGUISHERS	NYSFC SECTION 906	3	3	STRUCTURAL FRAME	TABLE 601	0	0
FIRE & SMOKE DETECTION	SECTION 907	NR	Y	INTERIOR BEARING WALLS	TABLE 601	0	0
FIRE ALARM SYSTEM	SECTION 907	NR	Y	EXTERIOR BEARING WALLS	TABLE 601	0	0
MEANS OF EGRESS				MEANS OF EGRESS			
TOTAL OCCUPANT LOAD	TABLE 1004.1.1	20	2	INTERIOR NON-BEARING WALLS	TABLE 602	0	0
MIN. TTL. EGRESS WIDTH-STAIR	SECTION 1011	NA	NA	EXTERIOR NON-BEARING WALLS	TABLE 602	0	0
MIN. TTL. EGRESS WIDTH-OTHER	SECTION 1005.1	0.2X12 = 4"	36"	FLOOR CONSTRUCTION	TABLE 601	0	0
ACCESSIBLE MEANS OF EGRESS	SECTION 1007	YES - 2	YES - 1	ROOF CONSTRUCTION	TABLE 601	0	0
MIN. EGRESS DOOR WIDTH	SECTION 1010	32" CLEAR	36" CLEAR	FIRE WALLS	TABLE 706.4	NA	NA
MIN. EGRESS STAIR WIDTH	SECTION 1011	NA	NA	VERTICAL EXIT ENCLOSURE	SECTION 1020	NA	NA
MIN. EGRESS RAMP WIDTH	SECTION 1012	NA	NA	EXIT PASSAGEWAY	SECTION 1021	NA	NA
MAX. EXIT ACCESS TRAVEL	TABLE 1017	200'	60'	INCIDENTAL USE AREAS	TABLE 508.2	N/A	N/A
MIN. EGRESS CORRIDOR WIDTH	SECTION 1020	NA	NA	OCCUPANCY SEPARATION	TABLE 508.3.3	NA	NA
MIN. NUMBER OF EXITS	SECTION 1022	2	2	CORRIDORS	SECTION 1017	NA	NA
ACCESSIBILITY				ACCESSIBILITY			
				VERTICAL ACCESS	SECTION 1104.4	NA	NA
				PARKING	TABLE 1106.1	4	4

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ENERGY CONSERVATION CODE			
THERMAL ENVELOPE INSULATION COMPONENT MINIMUM REQUIREMENTS, R-VALUE METHOD			
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(PRESCRIPTIVE VALUES HAVE BEEN USED TO MEET THE 2015 IECC REQUIREMENTS)
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NO.	DATE	DESCRIPTION	REVISIONS
3			
2			
1			



ANDREW SCHMIEDER, PE
11-142 ALEXANDER ROAD, ATTICA, NY
(585) 297-3552

DRAWING TITLE: **CODE COMPLIANCE**
PROJECT NAME: **STORAGE/RETAIL BUILDING**
111 CEDAR ST., BATAVIA, NY
CLIENT: **CEDAR STREET SALES**
151 CEDAR STREET, BATAVIA, NY

PROJECT NO.: **005-2019** PROJ. MGR.: **ADS**
DATE: **4-3-19** DRWN. BY:
SCALE: **AS NOTED** CHKD. BY: **ADS**
DRAWING NO.: **N-1**
SHEET NO. **2** of **16**

GENERAL NOTES

- STRUCTURE IS TO BE 60FT X 100FT POLE BARN TYPE CONSTRUCTION. BUILDING IS TO BE USED PRIMARILY FOR MATERIAL STORAGE, WITH PERIODIC RETAIL SALES. BUILDING WILL HAVE CONDITION BATHROOM.
- DESIGN, CONSTRUCTION AND SAFETY SHALL CONFORM TO ALL LOCAL, STATE AND OWNER SPECIFIC CODES, INCLUDING (BUT NOT LIMITED TO) THE "NEW YORK STATE UNIFORM FIRE PROTECTION AND BUILDING CODE", LATEST REVISION, THE NFPA 101 LIFE SAFETY CODE, LATEST REVISION, ANSI A117.1 - LATEST REVISION, OSHA, AND ANY OTHER CODES GOVERNED BY THE JURISDICTION IN WHICH THIS PROJECT IS BEING CONSTRUCTED.
- THIS CONTRACT REQUIRES COMPLETE, FINISHED WORKABLE PROJECT OF THE AREAS INDICATED BY THE CONTRACT DOCUMENTS, AND SHALL INCLUDE ALL MATERIALS AND LABOR NECESSARY TO COMPLETE, REGARDLESS OF WHETHER OR NOT ALL WORK OR EACH ITEM IS SPECIFICALLY INDICATED ON ANY OTHER PORTION OF THE DRAWINGS AND/OR NOTES.
- CONTRACTOR SHALL OBTAIN FROM OWNER ALL REQUIREMENTS FOR INSTALLATION OF OWNER PROVIDED EQUIPMENT INCLUDING ROUGHING DIAGRAMS, INSTALLATION INSTRUCTIONS, ELECTRICAL SCHEMATICS, TEMPLATES, LAYOUTS AND DIMENSIONS AND ALL OTHER INFORMATION NECESSARY FOR A PROPER, WELL COORDINATED INSTALLATION. PRIOR TO ROUGH-IN OF SERVICES, CONFER WITH OWNER EXACT LOCATION OF ALL ITEMS.
- WOOD USED FOR BLOCKING OR OTHER PURPOSES ON OR ABOVE THE ROOF DECK, WITHIN 2'-0" OF GRADE AND OTHER LOCATIONS OUTSIDE THE BUILDING ENVELOPE WHERE EXPOSED TO THE WEATHER, SHALL BE PRESSURE TREATED TYPE.
- FINISHED DOOR OPENINGS SHALL BE NOMINAL 6" FROM FINISHED CORNER OF ROOM AT HINGE SIDE, EXCEPT WHERE DIMENSIONED OTHERWISE. ON THE 'PULL' SIDE OF A DOOR OPENING, THE STRIKE SIDE SHALL BE NOMINAL 18" FROM A PERPENDICULAR WALL. ON THE 'PUSH' SIDE OF A DOOR OPENING EQUIPPED WITH BOTH A CLOSER AND LATCH, THE STRIKE SIDE SHALL BE NOMINAL 12" FROM A PERPENDICULAR WALL.
- REFER TO ELECTRICAL DRAWINGS FOR NOTES RELATED TO ELECTRICAL WORK.

CONCRETE/FOUNDATION NOTES

- ALL FOOTINGS SHALL BE PLACED ON CLEAN, DRY, LEVEL, UNDISTURBED SOIL. DO NOT PLACE FOUNDATIONS ON FILL MATERIAL UNLESS ORDERED OTHERWISE BY THE ENGINEER.
- CONTROLLED COMPACTED FILL SHALL BE IMPORTED GRANULAR MATERIAL, SIMILAR IN GRADATION TO NYS DOT ITEM 304.02 OR 304.03. FILL SHALL BE SPREAD IN 8" THICK LAYERS AND UNIFORMLY COMPACTED WITH A MIN 4,000 lb ROLLER.
- THE CONTRACTOR SHALL TAKE ALL NECESSARY MEASURES TO ENSURE EXCAVATIONS ARE DRY PRIOR TO PLACING CONCRETE.
- THE CONTRACTOR SHALL NOTIFY ARCHITECT BEFORE THE REMOVAL AND REPLACEMENT OF ANY UNSUITABLE OR UNSTABLE SUB GRADE SOILS ENCOUNTERED DURING CONSTRUCTION.
- FOUNDATIONS HAVE BEEN DESIGNED FOR AN ALLOWABLE SOIL BEARING PRESSURE OF 2,500 PSF. CONTRACTOR TO NOTIFY PROJECT ENGINEER FOR VERIFICATION OF SOIL CONDITIONS PRIOR TO PLACING FOUNDATIONS.
- 28 DAY COMPRESSIVE STRENGTH FOR ALL FOUNDATION CONCRETE SHALL BE 4000 PSI.
- ALL REINFORCING BARS SHALL CONFORM TO ASTM A615 GRADE 60.
- PROVIDE CONCRETE COVER OVER REINFORCING IN ACCORDANCE WITH THE REQUIREMENTS OF A.C.I. 318-83.
- ALL REINFORCING SHALL BE DETAILED, FABRICATED, AND PLACED IN ACCORDANCE WITH THE REQUIREMENTS OF A.C.I. 315-74.
- ALL SLABS-ON-GRADE SHALL BE PLACED OVER A 6" LAYER OF CLEAN, WELL-GRADED TYPE 1 & 2 CRUSHED STONE (CRUSHER RUN).
- CONTROL JOINTS SHOWN ON DRAWINGS, SHALL BE CUT AS SOON AS SLAB HAS HARDENED SUFFICIENTLY TO SUPPORT MEN AND EQUIPMENT (USUALLY WITHIN 4 TO 12 HOURS).
- ALL WELDED WIRE FABRIC (W.W.F.) SHALL CONFORM TO ASTM A185, WITH AN ULTIMATE TENSILE STRENGTH OF 70,000 PSI AND SHALL BE PROVIDED IN SHEETS.
- MESH REINFORCING IN ALL SLABS-ON-GRADE SHALL BE PLACED IN THE UPPER THIRD OF THE SLAB.

CARPENTRY NOTES

- PROVIDE ALL ROUGH FRAMING AND SHEATHING AS SHOWN INCLUDING ANCHORS. SURFACE LUMBER 4 SIDES TO COMPLY WITH SR-16 RECOMMENDATIONS, KILN DRIED TO A MOISTURE CONTENT NOT TO EXCEED 15%.
- LAYOUT, CUT, FIT AND ERECT FRAMING FOR ROUGH CARPENTRY WORK. BRACE, PLUMB AND LEVEL ALL MEMBERS, AND IN TRUE ALIGNMENT, RIGIDLY SECURE IN PLACE WITH SUFFICIENT FASTENERS.
- WOOD TRUSSES SHALL BE DESIGNED TO MEET NYS BUILDING CODE AND SHALL BE MANUFACTURED BY A RECOGNIZED SUPPLIER. SUPPLIER SHALL PROVIDE NYS PE STAMPED WORK DRAWINGS PRIOR TO FABRICATION. INSTALLATION OF THE WOOD TRUSSES SHALL BE IN STRICT COMPLIANCE WITH THE RECOMMENDATIONS OF THE TRUSS SUPPLIER INCLUDING, BUT NOT LIMITED TO BRACING, BRIDGING, AND SEQUENCING.
- MINIMUM STRUCTURAL & FRAMING LUMBER SHALL HAVE A MINIMUM FB=1000 PSI, FV=95 PSI, Ft=450 PSI, Fc=1150 PSI & E=1,300,000.
- ALL LUMBER IN CONTACT WITH GRADE SHALL BE PRESSURE TREATED. WOOD PRESERVATIVE SHALL MEET THE MINIMUM RETENTION AS SET FORTH IN THE LATEST AMERICAN WOOD-PRESERVERS ASSOCIATION COMMODITY STANDARDS.
- TIMBER POST TO BE PRESSURE TREATED TO A MINIMUM OF 6FT ABOVE FINISHED GRADE

SITE UTILITY NOTES

- WATER, SEWER AND ELECTRICAL SERVICES WILL BE PROVIDED TO NEW STRUCTURE.

GENERAL NOTES:

- ALL SPECIFIED ITEMS TO BE FURNISHED AS NOTED OR APPROVED EQUAL.

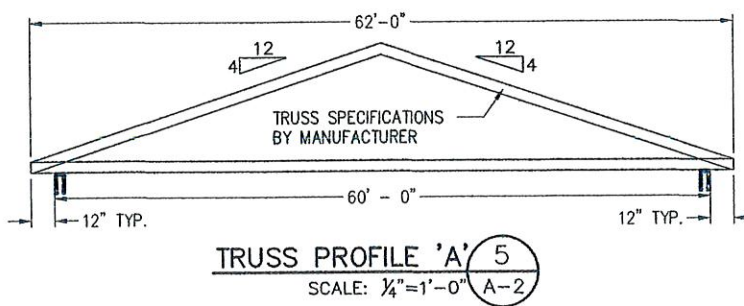
DOOR SCHEDULE							
LABEL	DESCRIPTION	GLASS	HARDWARE PACKAGE	SIZE	FIRE RATING	TYPE	COMMENTS
D-1	INSULATED STEEL WITH HALF GLASS	28"x36"±	1	3'-0"x6'-8"	-	A	
D-2	ROLL-UP OVERHEAD DOOR		2	10'-0"x14'-0"	--	--	
D-3	ROLL-UP OVERHEAD DOOR		2	14'-0"x14'-0"	--	--	INSULATED
D-4	SOLID CORE WOOD		3	3'-0"x6'-8"	-	B	1" UNDERCUT

NOTES:

- ALL INTERIOR FRAMES TO BE WOOD FRAME
- ALL GLASS IN DOORS SHALL BE CLEAR LAMINATED SAFETY GLASS.
- EXTERIOR DOORS SHALL BE THERMA TRU CONSTRUCTION SERIES STEEL DOOR SYSTEM W/ ¼ FRAME & MOULDING GASKETED WITH ½" INSULATED, CLEAR LAMINATED SAFETY GLASS.

HARDWARE PACKAGE:

- ENTRY LOCKSET W/ CLOSER, WEATHER PACKAGE.
- PROVIDE MOTOR OPERATORS SUITABLE FOR DOOR SIZES



ROOF TRUSS DESIGN LOADS:

T.C.L.L. = BALANCED SNOW = 43 PSF
 UNBALANCED SNOW = 65 PSF
 T.C.D.L. = 10 PSF
 B.C.D.L. = 10 PSF
 T.C.L.L. = 40 PSF
 B.C.L.L. = 0 PSF

GENERAL DESIGN LOAD NOTES

- THE FOLLOWING CODES AND STANDARDS, INCLUDING ALL SPECIFICATION REFERENCED WITHIN, SHALL APPLY TO THE DESIGN, CONSTRUCTION, QUALITY CONTROL AND SAFETY OF ALL WORK PERFORMED ON THE PROJECT.
 A. "2016 IBC AS ADOPTED BY NEW YORK STATE", DEPARTMENT OF STATE, NEW YORK.
 B. "MINIMUM DESIGN LOADS FOR BUILDING AND OTHER STRUCTURES", ANSI/ASCE AMERICAN SOCIETY OF CIVIL ENGINEERS.
- ADDITIONAL CODES FOR MATERIALS SHALL BE FOUND IN THE APPROPRIATE SECTIONS THAT FOLLOW. SEE THOSE SECTIONS FOR THE APPLICABLE CODES.

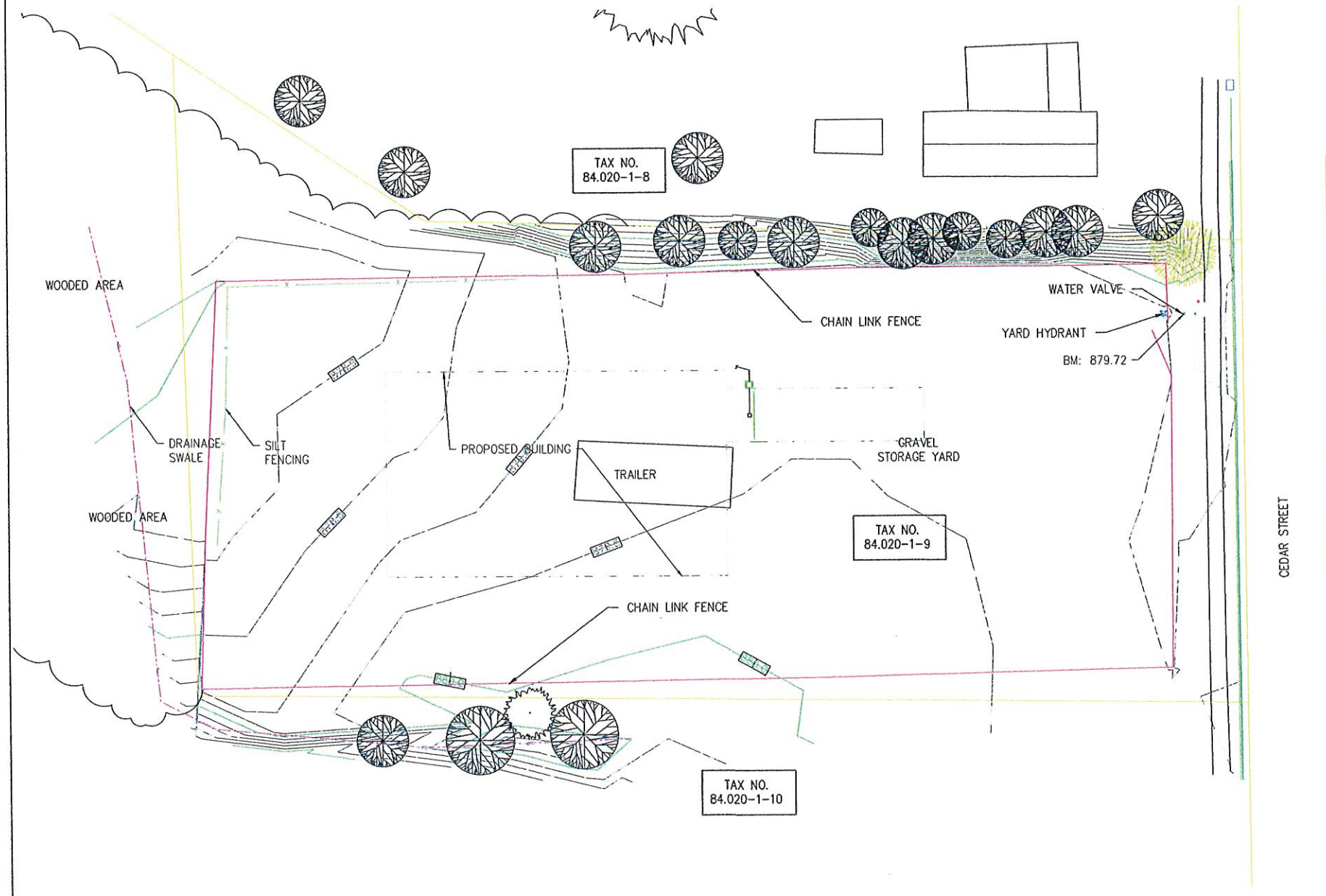
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NO.	DATE:
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DESCRIPTION REVISIONS	



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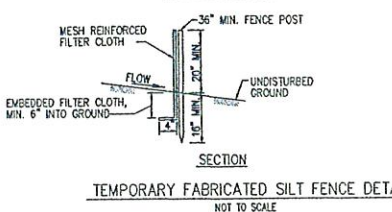
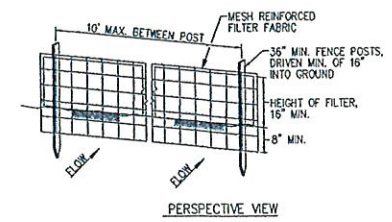
GENERAL NOTES
 PROJECT NAME: STORAGE / RETAIL BUILDING
 111 CEDAR ST., BATAVIA, NY
 CLIENT: CEDAR STREET SALES
 151 CEDAR STREET, BATAVIA, NY

PROJECT NO.:	PROJ. MGR.
005-2019	ADS
DATE:	DRWN. BY:
4-3-19	
SCALE:	CHKD. BY:
AS NOTED	ADS
DRAWING NO.:	
N-2	
SHEET NO.:	
3	of 16



A EXISTING SITE LAYOUT
Scale: 1"=20'

LEGEND	
MAJOR CONTOUR	—
MINOR CONTOUR	- - -



TEMPORARY FABRICATED SILT FENCE DETAIL
NOT TO SCALE

- NOTES:**
- EROSION CONTROL DEVICES ARE TO BE INSTALLED AND MAINTAINED BY THE CONTRACTOR UNTIL CONSTRUCTION IS COMPLETED, DOWNHILL OF ALL DISTURBED AREAS AND AS DIRECTED BY THE ENGINEER OR ANY GOVERNING AGENCIES.
 - EROSION CONTROL DEVICES SHALL BE PLACED AT THE TOE OF A SLOPE OR ON THE CONTOUR AND IN A ROW WITH ENDS TIGHTLY ADJUTING THE ADJACENT BALES.
 - EACH EROSION CONTROL DEVICE SHALL BE EMBEDDED IN THE SOIL A MINIMUM OF (8) INCHES AND PLACED SO THE BINDINGS ARE HORIZONTAL.
 - STRAW BALES SHALL BE SECURELY ANCHORED IN PLACE BY EITHER TWO STAKES OR RE-BARS DRIVEN THROUGH THE BALE. THE FIRST STAKE IN EACH BALE SHALL BE DRIVEN TOWARD THE PREVIOUSLY LAID BALE AT AN ANGLE TO FORCE THE BALES TOGETHER. STAKES SHALL BE DRIVEN FLUSH WITH THE BALE.
 - INSPECTION SHALL BE FREQUENT AND REPAIR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.
 - EROSION CONTROL DEVICES SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR USEFULNESS SO AS NOT TO BLOCK OR IMPEDE STORM FLOW OR DRAINAGE.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION, MAINTENANCE AND REMOVAL OF ALL EROSION CONTROL DEVICES.

SITE DATA		
PARCEL AREA:	0.98 ACRES	
TAX MAP NO.	84.020-1-9	
ZONING DISTRICT:	I-2 (INDUSTRIAL)	
PROPOSED USE: RETAIL STORAGE		
ZONING REQUIREMENTS	REQUIRED	PROPOSED
LOT AREA	40,000 sf	41,440 sf
BUILDING HEIGHT:	40 ft	28 ft
MAXIMUM BUILDING COVERAGE	20%	18%
MINIMUM FRONTAGE	150 ft	135 ft
MINIMUM FRONT YARD	50 ft	140 ft
MINIMUM SIDE YARD	15 ft	35 ft
MINIMUM REAR YARD	35 ft	55 ft

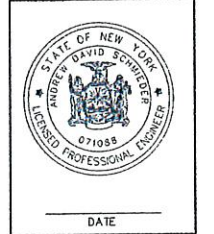
EROSION CONTROL NOTES:

THE EQUIPMENT ANTICIPATED TO BE USED FOR THE CONSTRUCTION INCLUDES THE FOLLOWING: BACKHOES, BULLDOZERS, LOADERS, TRUCKS, CRANES, COMPACTORS, AND GRADERS. THE FOLLOWING MEASURES SHALL BE UNDERTAKEN TO PROVIDE MAXIMUM PROTECTION TO THE SOIL, WATER, AND ADJUTING LANDS:

- PRIOR TO GRUBBING OR ANY EARTH MOVING OPERATION, SILTATION FENCE OR EROSION CONTROL BERMS SHALL BE INSTALLED ACROSS THE SLOPE ON THE CONTOUR AT THE DOWNHILL LIMIT OF THE WORK AS PROTECTION AGAINST CONSTRUCTION RELATED EROSION. REFERE TO DETAILS SHOWN ON EROSION CONTROL PLAN.
- PERMANENT SOIL EROSION CONTROL MEASURES FOR ALL SLOPES, CHANNELS, DITCHES, OR ANY DISTURBED LAND AREA SHALL BE COMPLETED WITHIN FIFTEEN CALENDAR DAYS AFTER FINAL GRADING HAS BEEN COMPLETED. WHEN IT IS NOT POSSIBLE OR PRACTICAL TO PERMANENTLY STABILIZE DISTURBED LAND, TEMPORARY EROSION CONTROL MEASURES SHALL BE IMPLEMENTED WITHIN THIRTY CALENDAR DAYS OF EXPOSURE OF SOIL. ALL DISTURBED AREAS SHALL BE MULCHED FOR EROSION CONTROL UPON COMPLETION OF ROUGH GRADING.
- ANY EXPOSED SLOPES GREATER THAN 3:1 AND NEWLY CONSTRUCTED DRAINAGE SWALES SHALL BE STABILIZED WITH EROSION CONTROL MESH TO PREVENT EROSION DURING CONSTRUCTION AND TO FACILITATE RE-VEGETATION AFTER TOP SOILING AND SEEDING.
- IN AREAS OF CONSTRUCTION DEWATERING, PUMPED DISCHARGE SEDIMENT DEVICES SHALL BE UTILIZED ADJACENT TO THE ACTIVITY. SEDIMENT TRAPS SHALL BE CONSTRUCTED UTILIZING DIRTBAGS, OR OTHER SIMILAR DEVICES THAT DO NOT REQUIRE ADDITIONAL SOIL DISTURBANCE. ADDITIONAL SEDIMENTATION PROTECTION SHALL BE PROVIDED BY THE INSTALLATION OF HAY BALE BARRIERS BETWEEN THE SEDIMENT TRAPS AND THE RECEIVING DRAINAGE COURSE.
- NATIVE TOPSOIL SHALL BE SAVED, STOCKPILED, MULCHED, AND REUSED AS MUCH AS POSSIBLE ON THE SITE. SILTATION FENCE SHALL BE INSTALLED AT THE BASE OF STOCKPILES AT THE DOWNHILL LIMIT TO PROTECT AGAINST EROSION. STOCKPILES SHALL BE STABILIZED BY SEEDING AND MULCHING UPON FORMATION OF THE PILES. UPHILL OF THE STOCKPILES, STABILIZED DITCHES AND/OR BERMS SHALL BE CONSTRUCTED TO DIVERT STORMWATER RUNOFF AWAY FROM THE PILES.
- ALL SILTATION FENCE AND HAY BALE BARRIERS SHALL BE INSPECTED BY THE CONTRACTOR ON A WEEKLY BASIS OR FOLLOWING ANY SIGNIFICANT RAINFALL (1/2 INCH OR MORE) OR SNOWMELT. ALL DAMAGED EROSION CONTROL DEVICES SHALL BE REPAIRED AND/OR REPLACED IMMEDIATELY. TRAPPED SEDIMENT SHALL BE REMOVED BEFORE IT HAS ACCUMULATED TO ONEHALF OF THE INSTALLED SILTATION FENCE OR HAY BALE BARRIER HEIGHT. DEVICES NO LONGER SERVICEABLE DUE TO SEDIMENT ACCUMULATION SHALL ALSO BE REPAIRED AND/OR REPLACED AS NECESSARY.
- IF FINAL SEEDING OF THE DISTURBED AREAS IS NOT COMPLETED BY SEPTEMBER 15 OF THE YEAR OF CONSTRUCTION, THEN WITHIN THE NEXT 10 CALENDAR DAYS THESE AREAS SHALL BE GRADED AND SMOOTHED, THEN SEEDED TO A WINTER COVER CROP OF RYE AT A RATE OF 3 LBS. PER 1,000 SQ. FT. THE FOLLOWING SHALL BE INCORPORATED INTO THE SOIL PRIOR TO RYE SEEDING: GROUND LIMESTONE AT A RATE OF 130 LBS. PER 1,000 SQ. FT., FOLLOWED BY A 10-10-10 FERTILIZER AT A RATE OF 14 LBS. PER 1,000 SQ. FT. HAY MULCH SHALL BE APPLIED AT A RATE OF 100 LBS. PER 1,000 SQ. FT. FOLLOWING SEEDING. IF THE RYE SEEDING CANNOT BE COMPLETED BY OCTOBER 1, THEN ON THAT DAY HAY MULCH SHALL BE APPLIED AT THE RATE OF 2 TONS PER ACRE TO PROVIDE WINTER PROTECTION. IF RYE DOES NOT MAKE ADEQUATE GROWTH BY NOVEMBER 5, THEN ON THAT DATE, HAY MULCH SHALL BE APPLIED AT A RATE OF 100 LBS. PER 1,000 SQ. FT. A SUITABLE BINDER SUCH AS CURASOL OR RMB PLUS SHALL BE USED ON HAY MULCH FOR WIND CONTROL. BIODEGRADABLE NETTING SHALL BE INSTALLED ON STEEP SLOPSE (3:1 AND STEEPER) AND ON AREAS OF CONCENTRATED FLOWS.
- INTERCEPTED SEDIMENT SHALL BE RETURNED TO THE SITE AND INCORPORATED INTO THE PROJECT AREA.
- SHOULD CONSTRUCTION OCCUR AFTER NOVEMBER 15, ADDITIONAL EROSION CONTROL METHODS SHALL BE IMPLEMENTED. ALL DISTURBED AREAS SHALL BE MINIMIZED AS MUCH AS POSSIBLE. PRIOR TO FREEZING, ADDITIONAL EROSION CONTROL DEVICES SHALL BE INSTALLED AS APPROPRIATE. INSPECTION OF THESE EROSION CONTROL ITEMS SHALL BE CONSTANT, WITH PARTICULAR ATTENTION PAID TO WEATHER PREDICTIONS TO ENSURE THAT THESE MEASURES ARE PROPERLY IN PLACE TO HANDLE LARGE AMOUNTS OF RUNOFF FROM HEAVY RAINS OR THAWS.
- FOR EARTHWORK PERFORMED BY TOWN PERSONNEL, EROSION CONTROL MEASURES INSTALLATION AND MAINTENANCE WILL BE RESPONSIBILITY OF TOWN. EROSION CONTROL MEASURES REQUIRED DUE TO CONTRACTORS WORK WILL BE INSTALLED AND MAINTAINED BY THEM.

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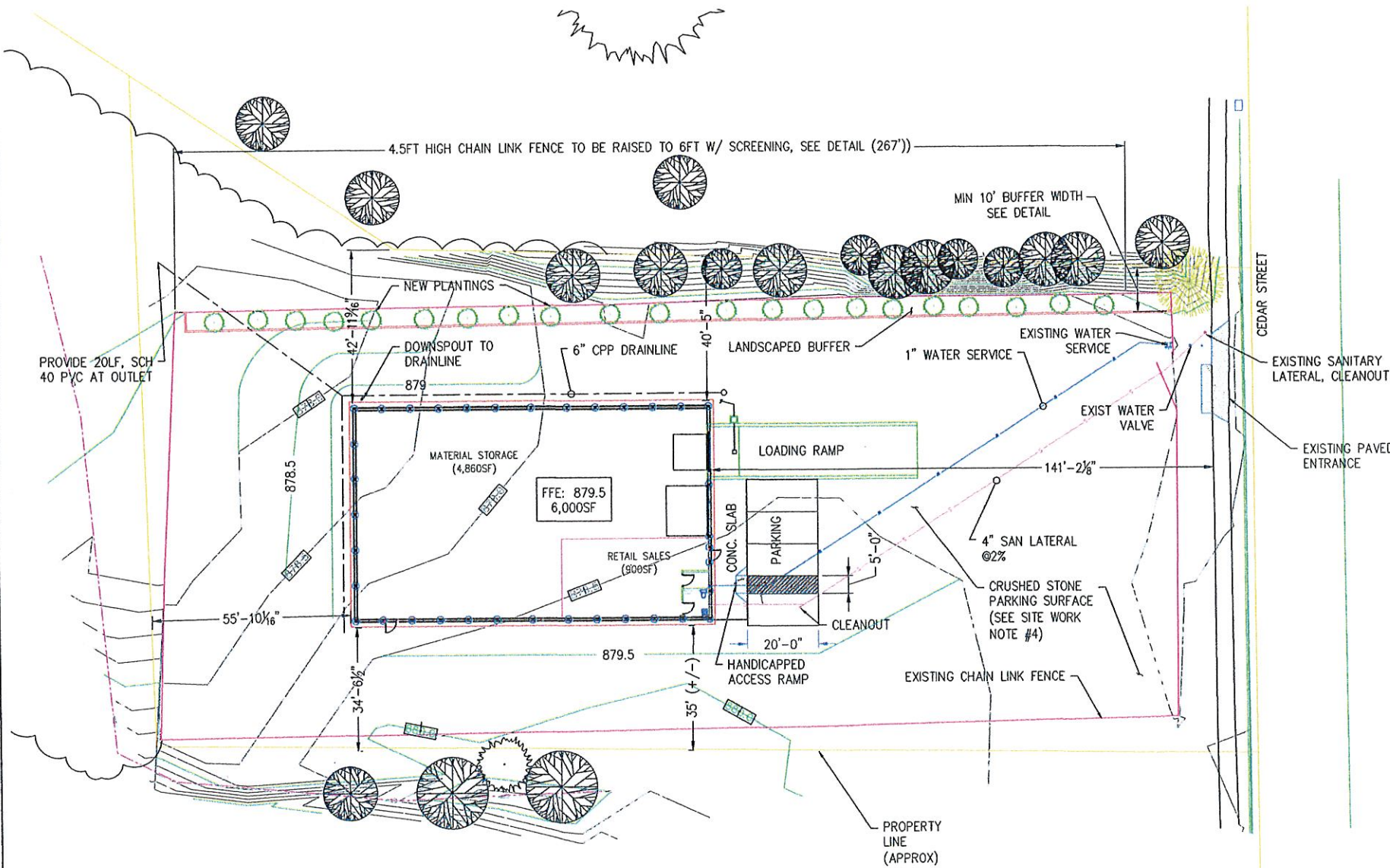
NO.	DATE	DESCRIPTION	REVISIONS
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ANDREW SCHMIEDER, PE
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DRAWING TITLE: EXISTING SITE LAYOUT
PROJECT NAME: STORAGE/RETAIL BUILDING
111 CEDAR ST., BATAVIA, NY
CLIENT: CEDAR STREET SALES
151 CEDAR STREET, BATAVIA, NY

PROJECT NO.: 005-2019	PROJ. MGR. ADS
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SHEET NO. 4	of 16

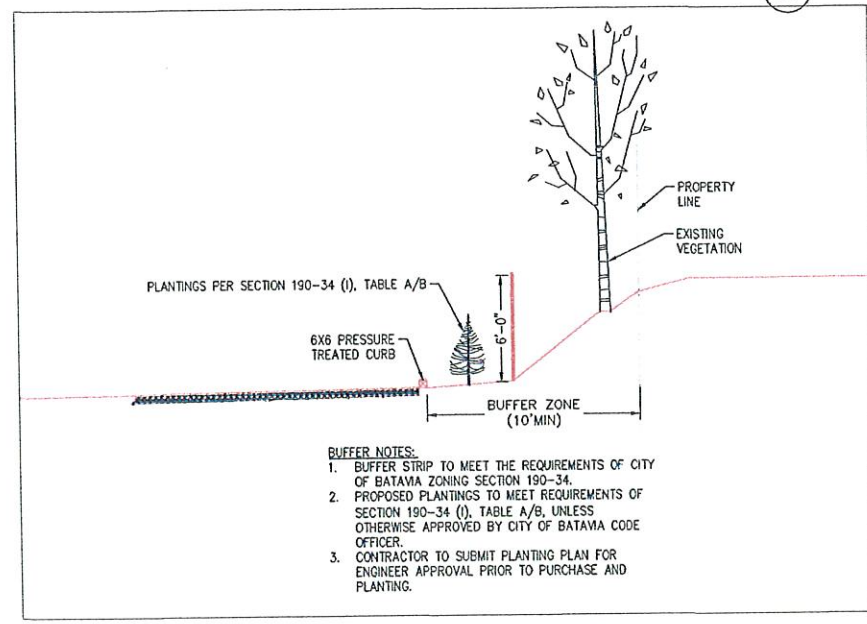


SITE DATA		
PARCEL AREA:	0.98 ACRES	
TAX MAP. NO.	84.020-1-9	
ZONING DISTRICT:	I-2 (INDUSTRIAL)	
PROPOSED USE: RETAIL STORAGE		
ZONING REQUIREMENTS	REQUIRED	PROPOSED
LOT AREA	40,000 sf	41,440 sf
BUILDING HEIGHT:	40 ft	28 ft
MAXIMUM BUILDING COVERAGE	20%	18%
MINIMUM FRONTAGE	150 ft	135 ft
MINIMUM FRONT YARD	50 ft	140 ft
MINIMUM SIDE YARD	15 ft	35 ft
MINIMUM REAR YARD	35 ft	55 ft

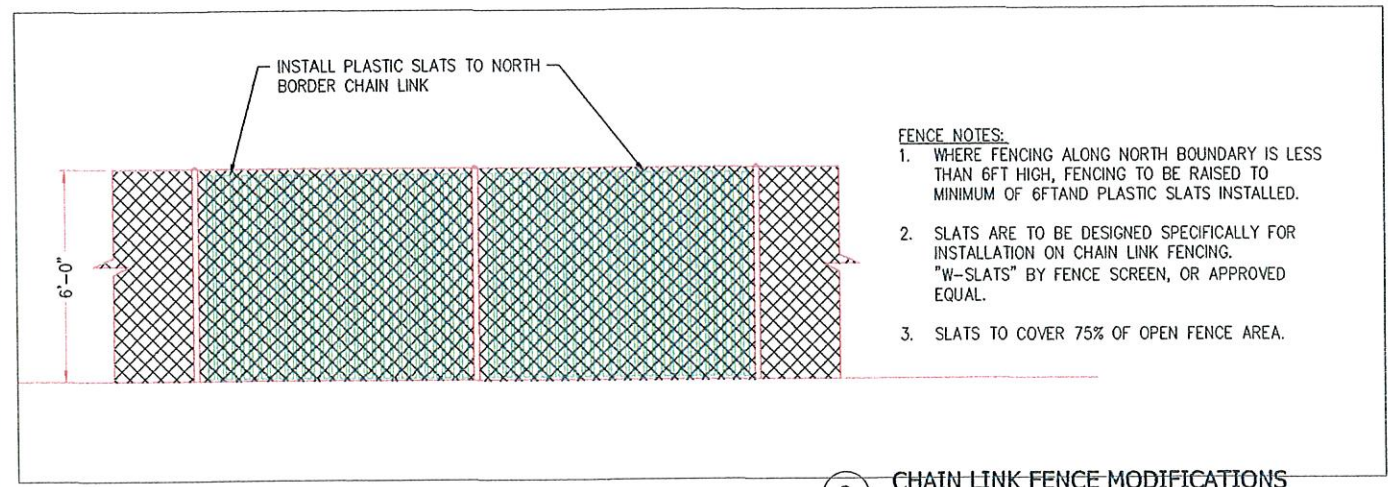
- GENERAL SITESWORK NOTES:**
- MAXIMUM AREA OF DISTURBANCE WILL BE APPROXIMATELY 7,000SF (0.16AC).
 - SITE CURRENTLY SHEET DRAINS PRIMARILY TO THE SOUTH TO DRAINAGE SWALE FLOWING NORTHEAST. NO CHANGE IN SITE DRAINAGE IS PROPOSED.
 - CONTRACTOR IS RESPONSIBLE FOR MAINTAINING SITE DRAINAGE DURING CONSTRUCTION AND IMPLEMENTING ALL EROSION CONTROL MEASURES.
 - EXISTING SITE CONSIST OF CRUSHED STONE. AFTER COMPLETION OF CONSTRUCTION, CONTRACTOR TO COMPACT ALL DISTURBED SUBGRADE AND PROVIDE A MINIMUM OF 2" - #1 CRUSHED STONE. STONE TO BE ROLLER COMPACTED TO SMOOTH HARD SURFACE.

- PARKING REQUIREMENTS:**
- REQUIRED:**
- PER SECTION 190-39-3.28, FOLLOWING PARKING SHALL BE PROVIDED:
 - 1 PARKING SPA. PER 300SF RETAIL SPACE.
 - 1 PARKING SPACE PER TWO EMPLOYEES.
- PROVIDED:**
- TOTAL RETAIL FLOOR SPACE = 900SF, REQUIRING A TOTAL OF 3 CUSTOMER PARKING SPACES.
 - TOTAL OF TWO EMPLOYEES WILL BE FULL TIME AT THIS LOCATION REQUIRING ONE ADDITIONAL PARKING SPACE.
 - TOTAL NUMBER PARKING SPACES PROVIDED = 3 STANDARD AND ONE HANDICAPPED PARKING SPACE.
 - ADDITIONAL EMPLOYEE PARKING IS AVAILABLE AT THE MAIN RETAIL STORE LOCATED AT 111 CEDAR STREET.
 - PARKING SURFACE CONSIST OF CRUSHED STONE, WHICH IS TO REMAIN.

A PROPOSED SITE LAYOUT
Scale: 1"=20'



1 LANDSCAPED BUFFER SECTION
Scale: 3/16"=1'



2 CHAIN LINK FENCE MODIFICATIONS
Scale: 3/8"=1'

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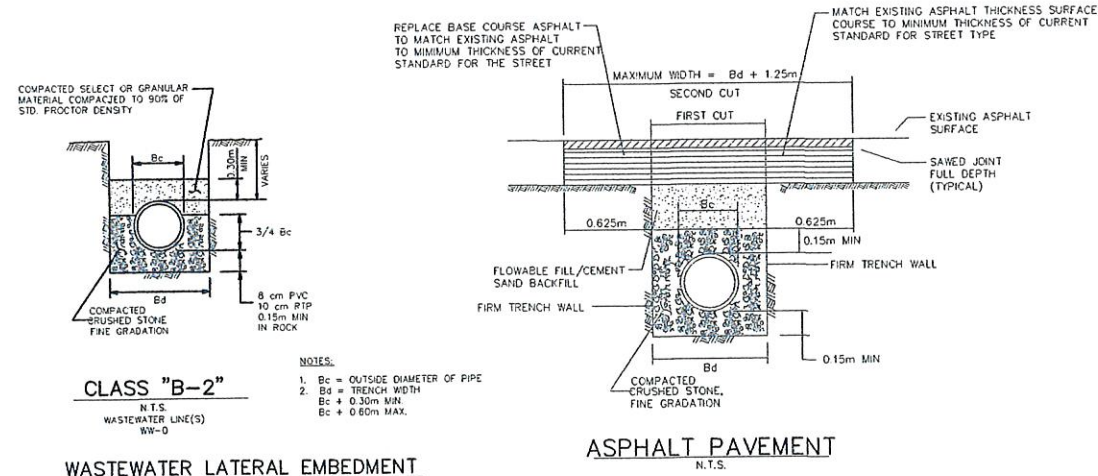
NO.	DATE	DESCRIPTION	REVISIONS
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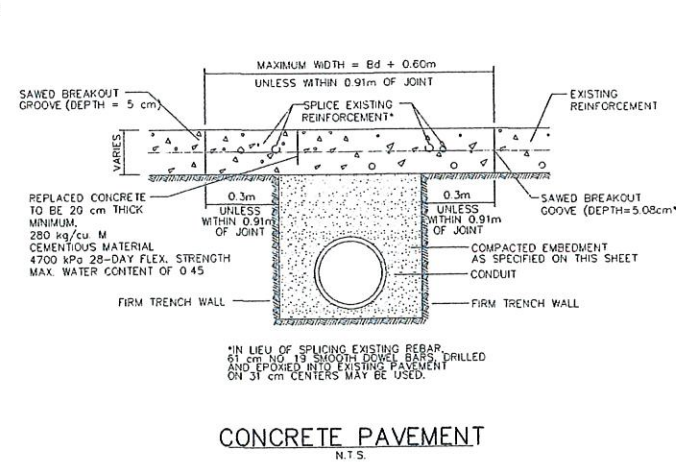
ANDREW SCHMIEDER, PE
11142 ALEXANDER ROAD, ATTICA, NY
(585) 297-3552

DRAWING TITLE: **PROPOSED SITE LAYOUT**
PROJECT NAME: **STORAGE/RETAIL BUILDING**
111 CEDAR ST., BATAVIA, NY
CLIENT: **CEDAR STREET SALES**
151 CEDAR STREET, BATAVIA, NY

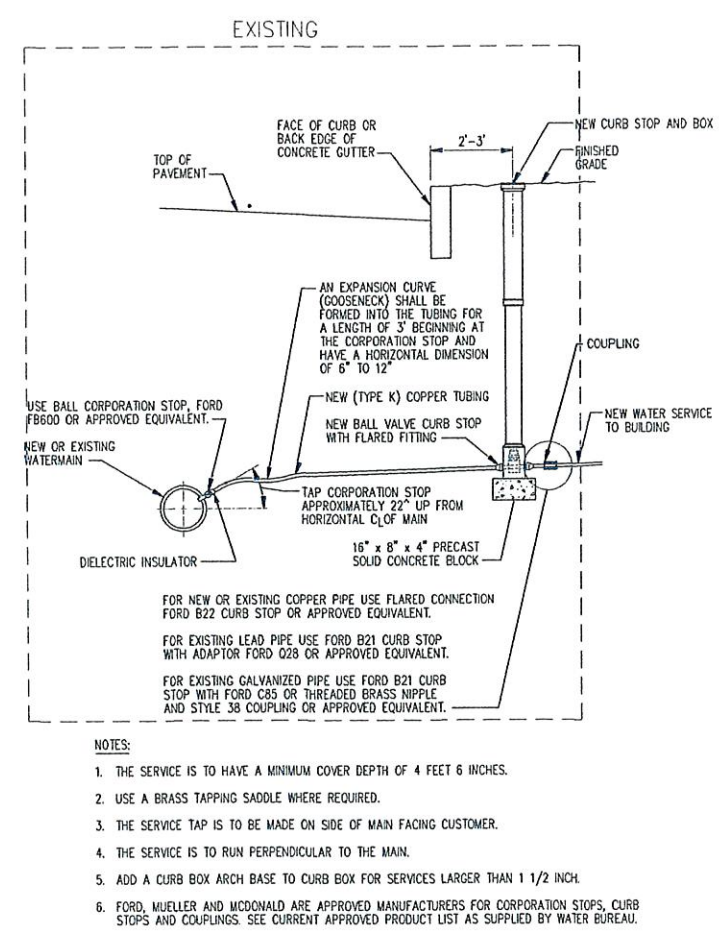
PROJECT NO.:	005-2019	PROJ. MGR.	ADS
DATE:	4-29-19	DRWN. BY:	
SCALE:	AS NOTED	CHKD. BY:	ADS
DRAWING NO.:	C-2		
SHEET NO.:	5	of 16	



CLASS "B-2"
WASTEWATER LATERAL EMBEDMENT

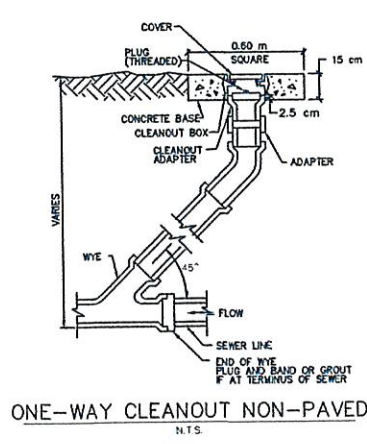


CONCRETE PAVEMENT

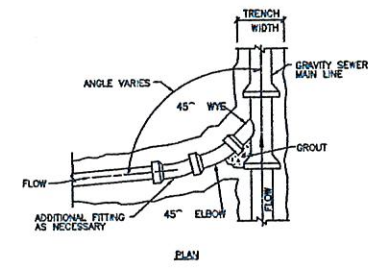


- NOTES:
1. THE SERVICE IS TO HAVE A MINIMUM COVER DEPTH OF 4 FEET 6 INCHES.
 2. USE A BRASS TAPPING SADDLE WHERE REQUIRED.
 3. THE SERVICE TAP IS TO BE MADE ON SIDE OF MAIN FACING CUSTOMER.
 4. THE SERVICE IS TO RUN PERPENDICULAR TO THE MAIN.
 5. ADD A CURB BOX ARCH BASE TO CURB BOX FOR SERVICES LARGER THAN 1 1/2 INCH.
 6. FORD, MUELLER AND McDONALD ARE APPROVED MANUFACTURERS FOR CORPORATION STOPS, CURB STOPS AND COUPLINGS. SEE CURRENT APPROVED PRODUCT LIST AS SUPPLIED BY WATER BUREAU.

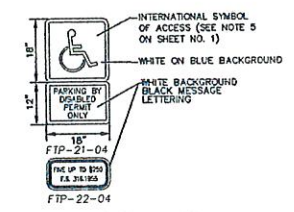
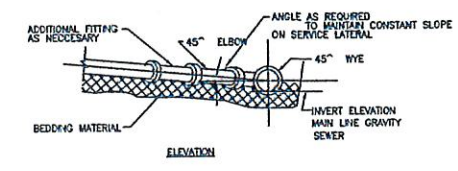
NEW WATER SERVICE 3/4" TO 2"
NOT TO SCALE



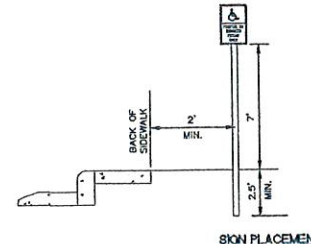
ONE-WAY CLEANOUT NON-PAVED



LATERAL SERVICE CONNECTION

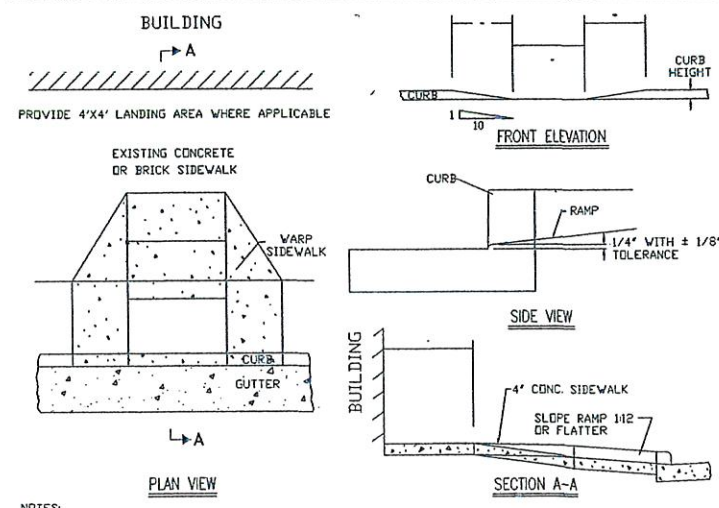


(SIGNS ERECTED AFTER OCTOBER 1, 1996, MUST INDICATE PENALTY FOR ILLEGAL USE OF THE SPACE)



- Handicap sign(s) may be affixed on permanent structures in lieu of installing on poles.

B HANDICAPPED PARKING SIGN
Scale: 3/4"=1ft



- NOTES:
1. HANDICAP RAMP CONSTRUCTION SHALL CONFORM TO ALL FEDERAL, STATE CODES AND SPECIFICATIONS.
 2. SURFACES SHALL MEET THE GUIDELINES OF THE ADA STANDARDS FOR ACCESSIBILITY, APPENDIX A, PART 36.
 3. WHERE SIDEWALK IS FLUSH WITH BACK OF CURB, DELETE ADDITIONAL 4' CONCRETE SIDEWALK AND TRANSITION THE CURB AND SIDEWALK SUCH THAT THE MAXIMUM SLOPE OF THE RAMP AND TRANSITION SIDEWALK IS 1:2.
 4. THE FLARED SIDES MUST HAVE A 1:10 SLOPE. IF THE DISTANCE X IS LESS THAN 48', THEN THE SLOPE OF THE FLARED SIDES SHALL NOT EXCEED 1:2.

A HANDICAPPED RAMP DETAIL
Scale: 3/4"=1ft

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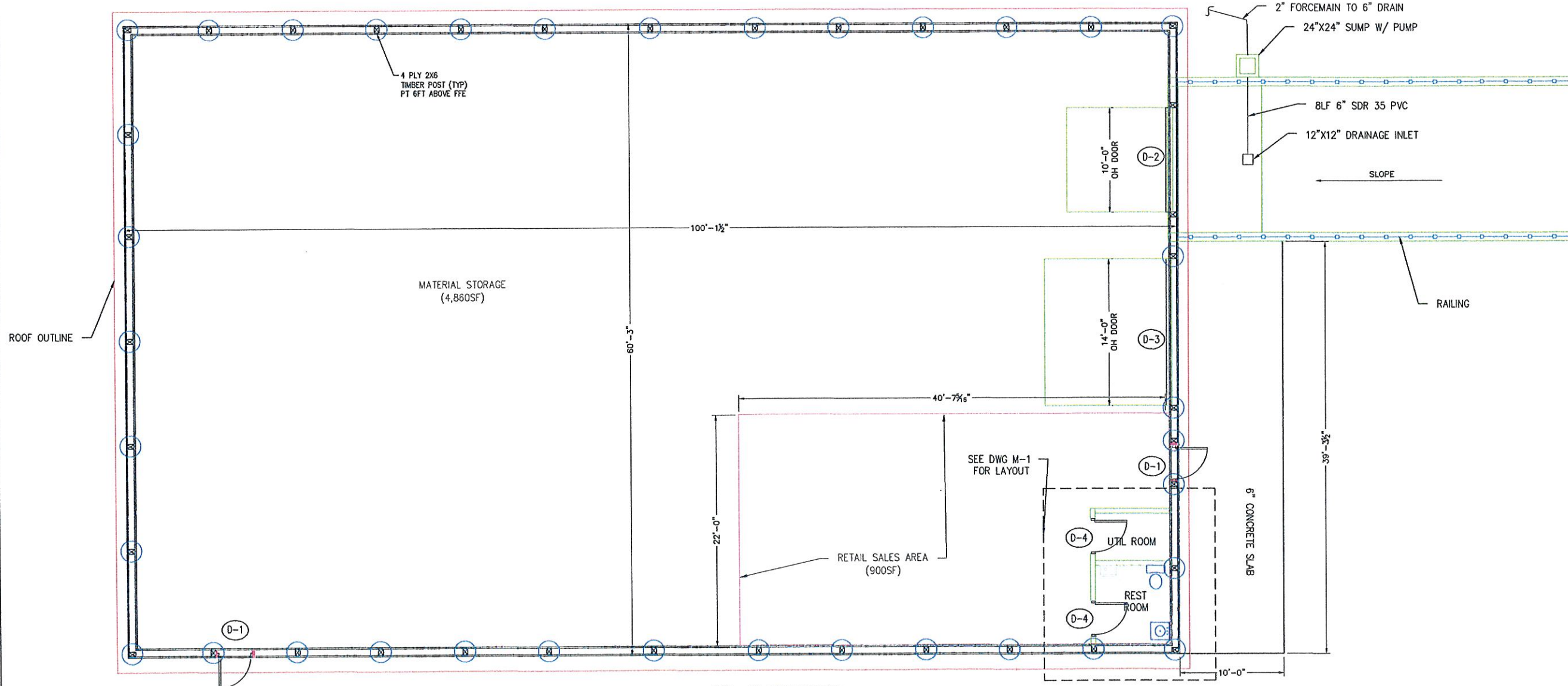
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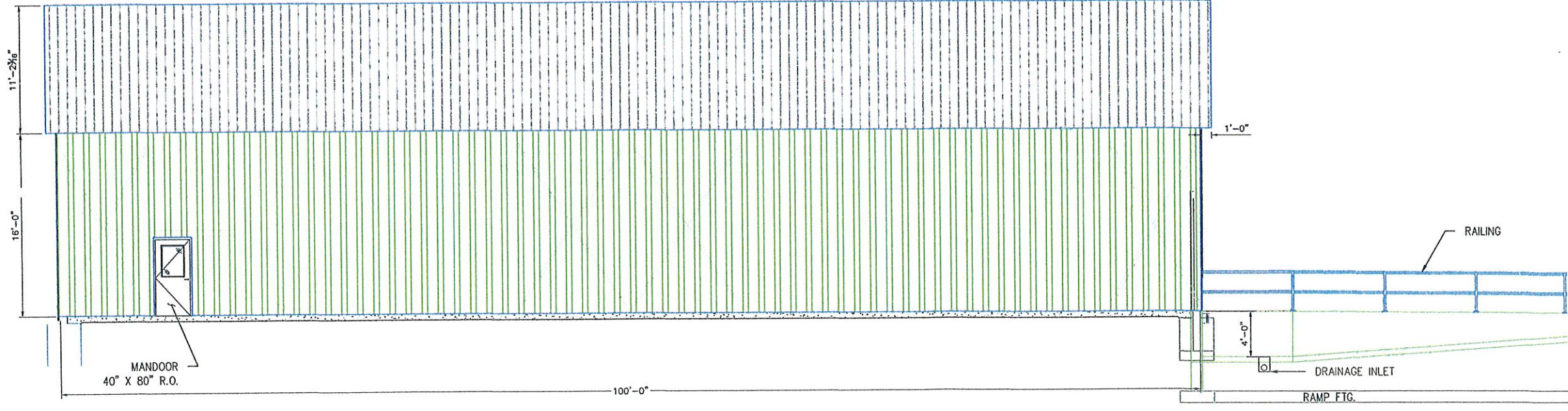
ANDREW SCHMEDDER, PE
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DRAWING TITLE: SITE DETAILS
PROJECT NAME: STORAGE/RETAIL BUILDING
111 CEDAR ST., BATAVIA, NY
CLIENT: CEDAR STREET SALES
151 CEDAR STREET, BATAVIA, NY

PROJECT NO.: 005-2019	PROJ. MGR: ADS
DATE: 4-29-19	DRWN. BY: ADS
SCALE: AS NOTED	CHKD. BY: ADS
DRAWING NO.: C-3	
SHEET NO.: 6	of 16



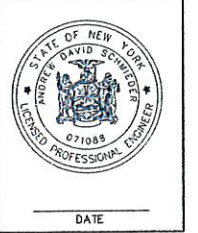
A PLAN LAYOUT
Scale: 3/16":1ft



B ELEVATION VIEW
Scale: 3/16":1ft

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NEW YORK STATE EDUCATION LAW ARTICLE 145,
SECTION 7209

NO.	DATE	DESCRIPTION	REVISIONS
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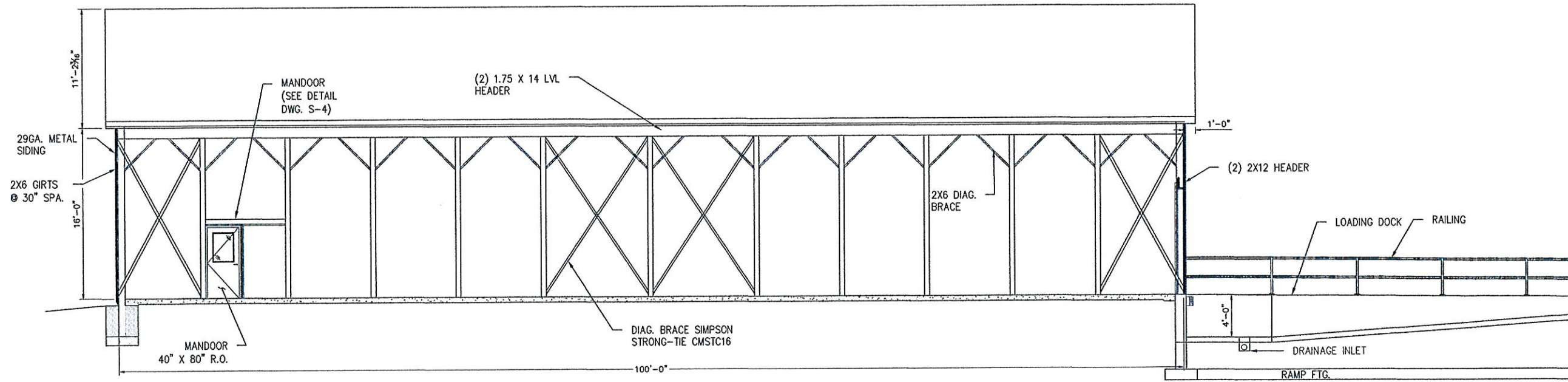
ANDREW SCHMIEDER, PE
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DRAWING TITLE:
BUILDING LAYOUT

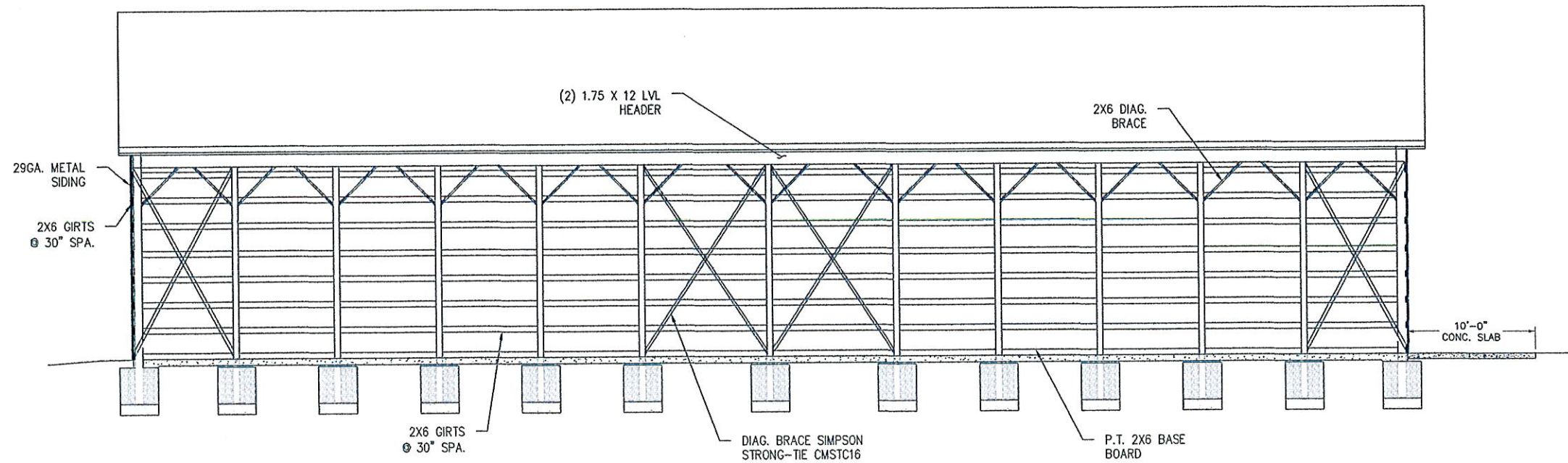
PROJECT NAME:
STORAGE / RETAIL BUILDING

CLIENT:
111 CEDAR ST., BATAVIA, NY
CEDAR STREET SALES
151 CEDAR STREET, BATAVIA, NY

PROJECT NO: 005-2019	PROJ. MGR. ADS
DATE: 4-3-19	DRWN. BY: ADS
SCALE: AS NOTED	CHKD. BY: ADS
DRAWING NO: S-1	
SHEET NO. 7 of 16	



A BUILDING SECTION
Scale: 3/16"=1ft



B SIDE WALL FRAMING
Scale: 3/16"=1ft

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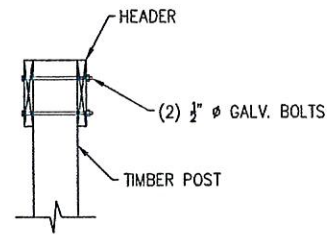
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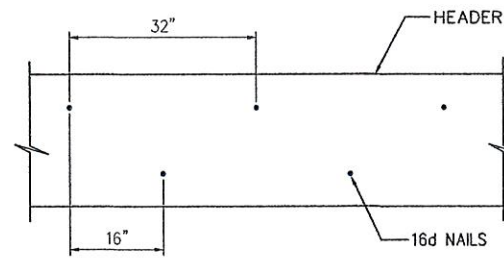
ANDREW SCHMEDER, PE
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DRAWING TITLE: **EAST / WEST WALL FRAMING**
PROJECT NAME: **STORAGE / RETAIL BUILDING**
111 CEDAR ST., BATAVIA, NY
CLIENT: **CEDAR STREET SALES**
151 CEDAR STREET, BATAVIA, NY

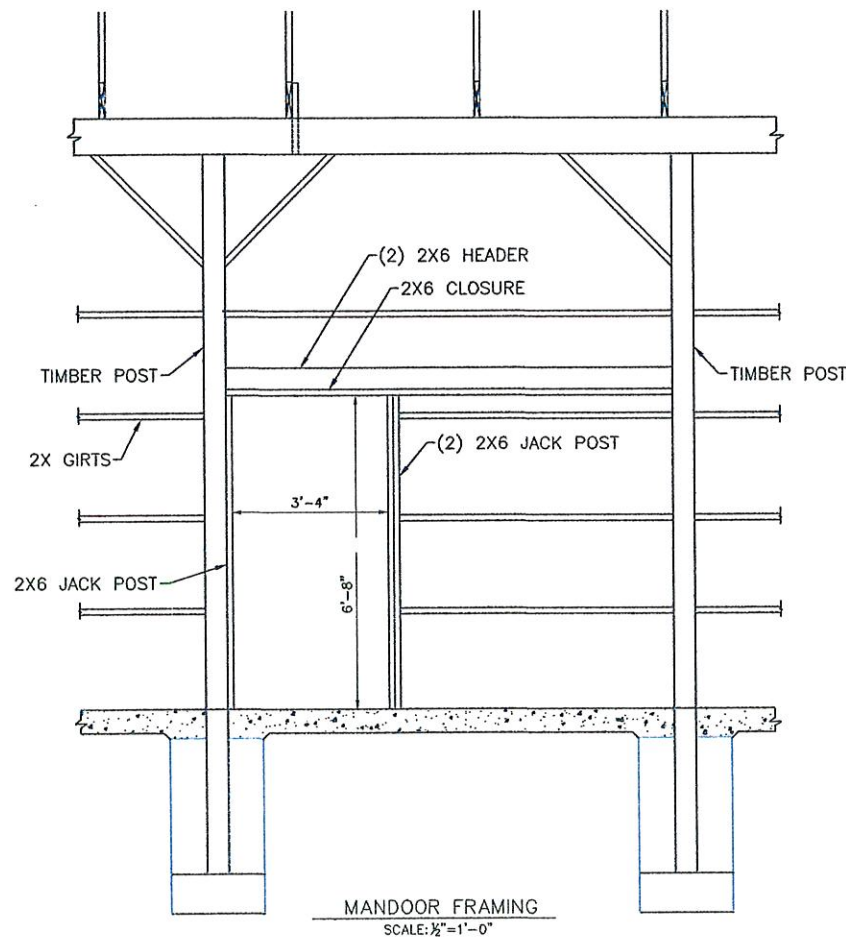
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SHEET NO.: 8 of 16	



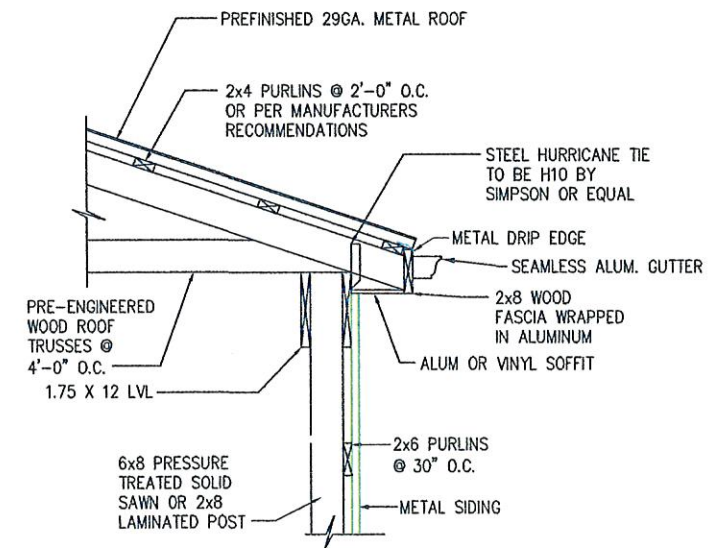
HEADER CONNECTION DETAIL
SCALE: 3/4"=1'-0"



TYPICAL HEADER NAIL PATTERN
SCALE: N.T.S.



MANDOOR FRAMING
SCALE: 1/2"=1'-0"



TYPICAL FASCIA DETAIL
SCALE: 3/4"=1'-0"

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DATE

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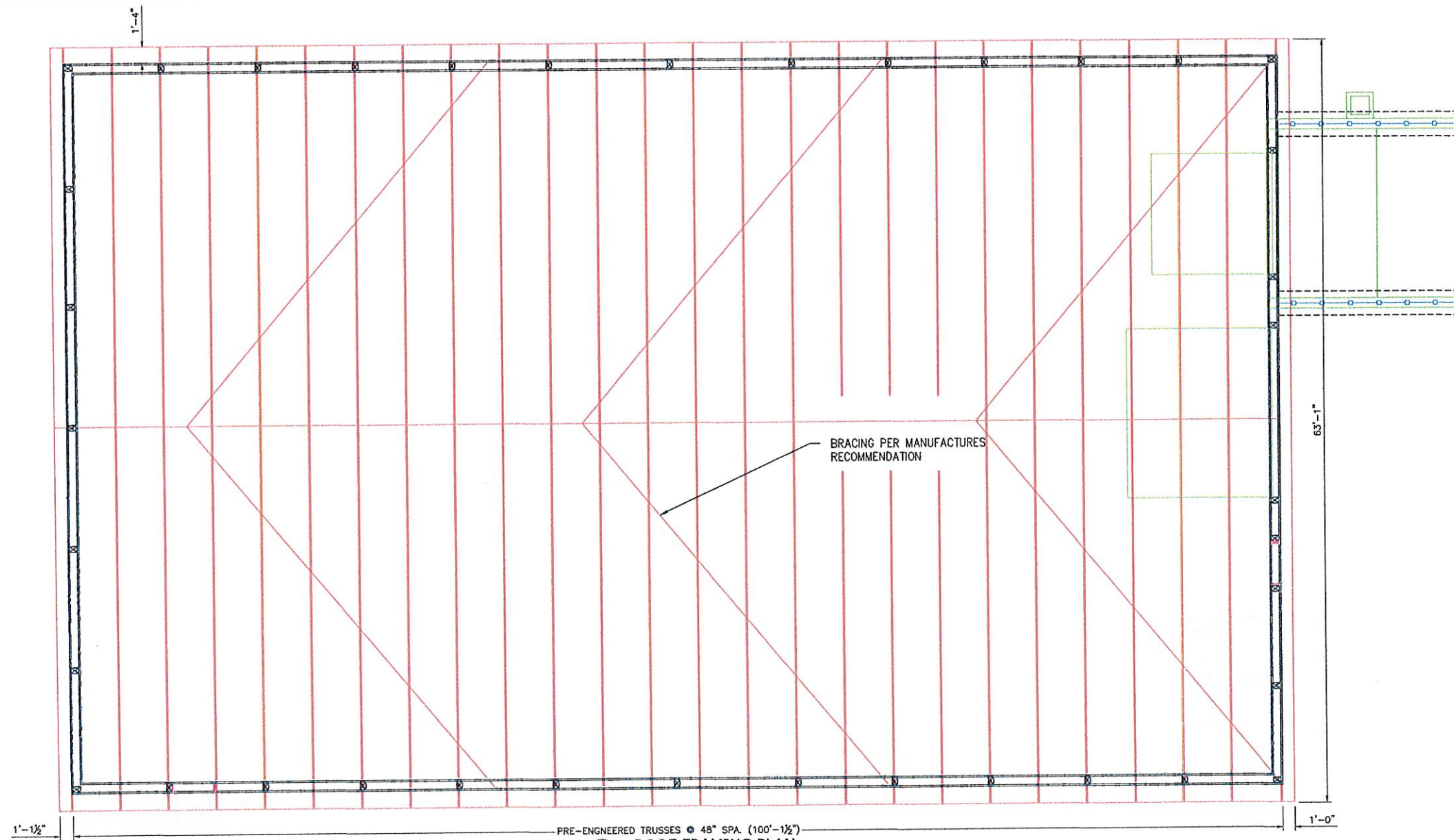
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DRAWING TITLE:
STRUCTURAL DETAILS

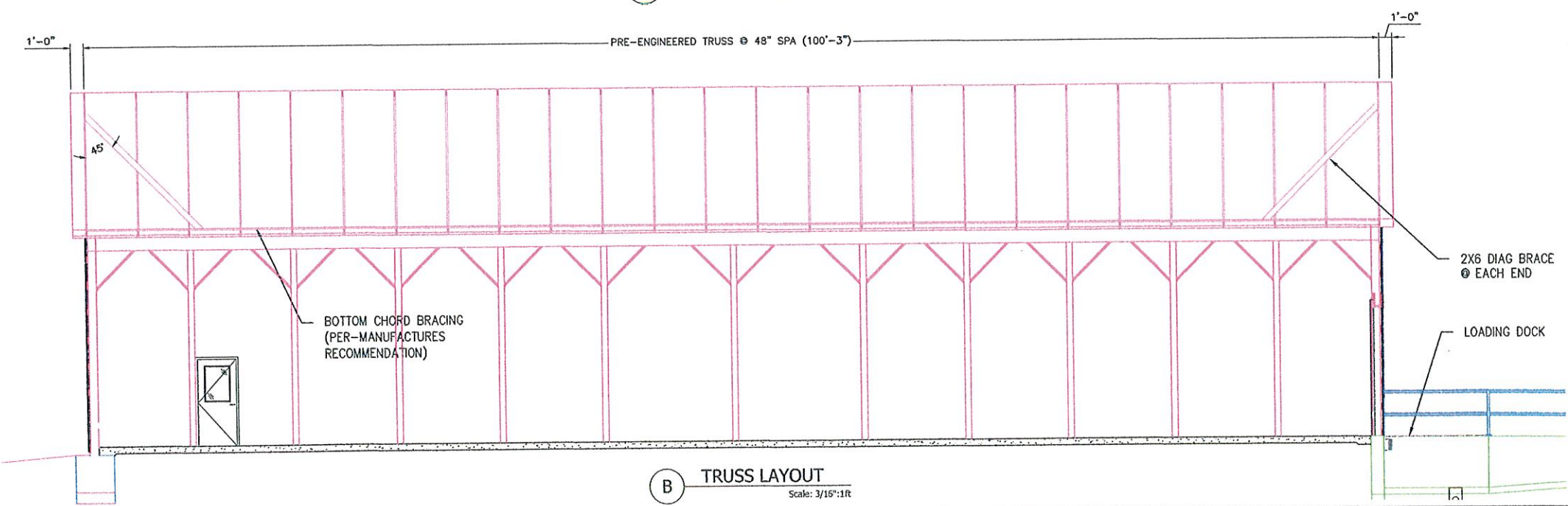
PROJECT NAME:
STORAGE / RETAIL BUILDING

CLIENT:
CEDAR STREET SALES

PROJECT NO.: 005-2019	PROJ. MGR. ADS
DATE: 4-3-19	DRWN. BY: ADS
SCALE: AS NOTED	CHKD. BY: ADS
DRAWING NO.: S-4	
SHEET NO. 10 of 16	



(A) ROOF FRAMING PLAN
Scale: 3/16":1ft



(B) TRUSS LAYOUT
Scale: 3/16":1ft

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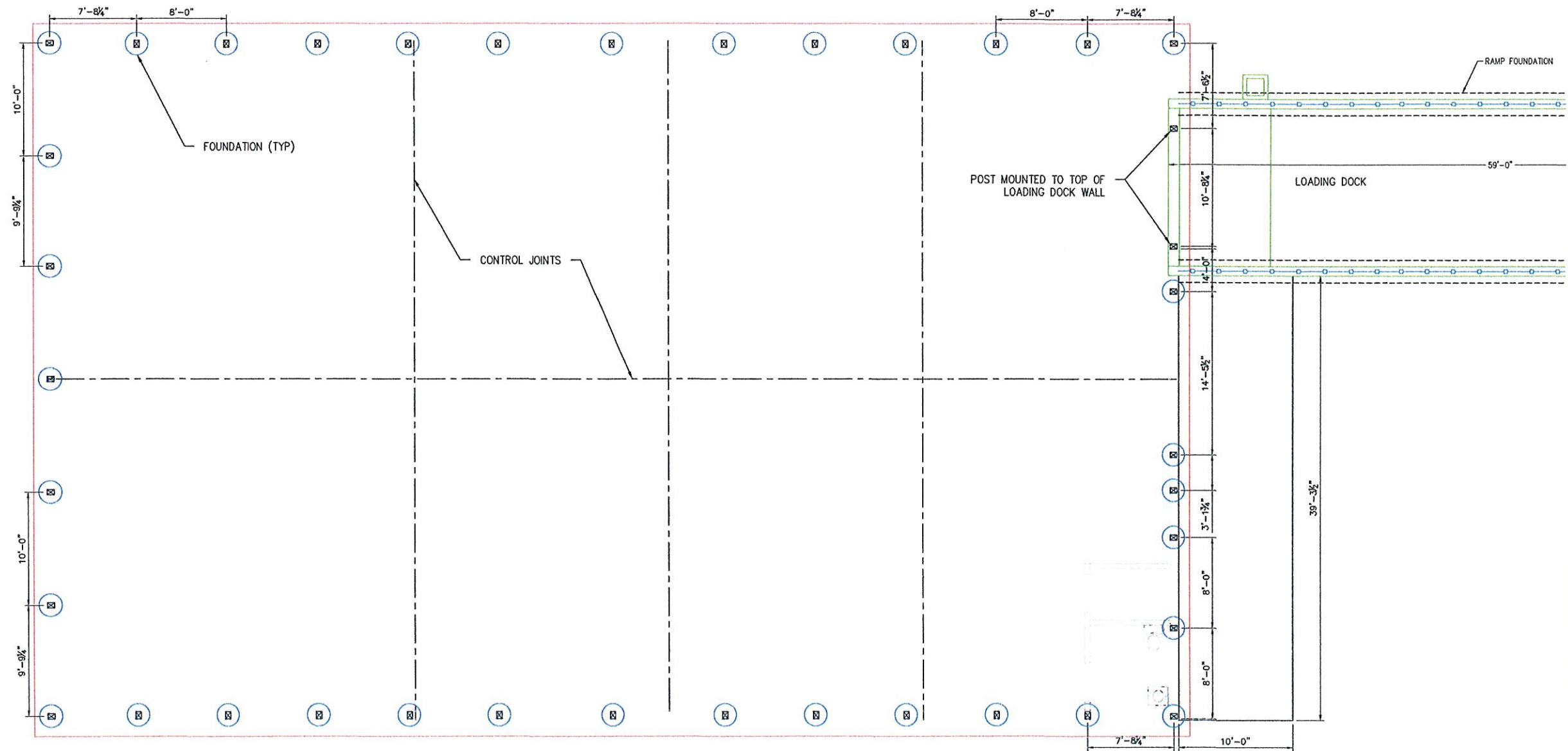
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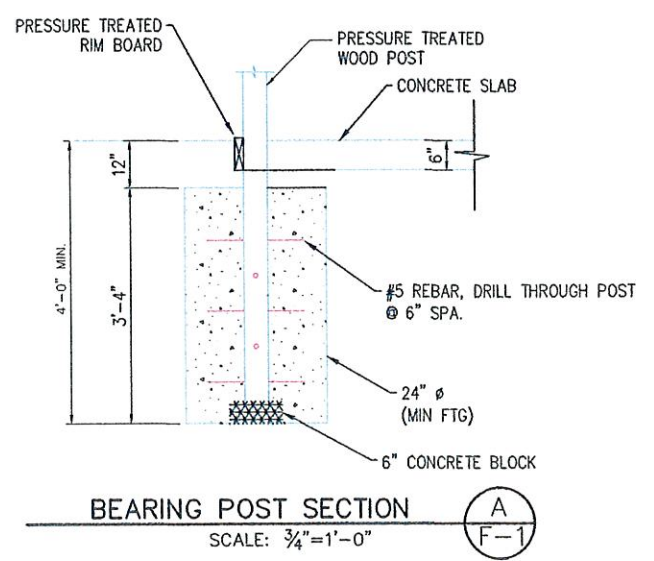
ANDREW SCHMIEDER, PE
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DRAWING TITLE: **ROOF FRAMING PLAN**
PROJECT NAME: **STORAGE / RETAIL BUILDING**
111 CEDAR ST., BATAVIA, NY
CLIENT: **CEDAR STREET SALES**
151 CEDAR STREET, BATAVIA, NY

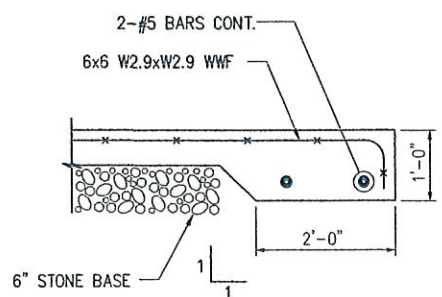
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SHEET NO. 11 of 16	



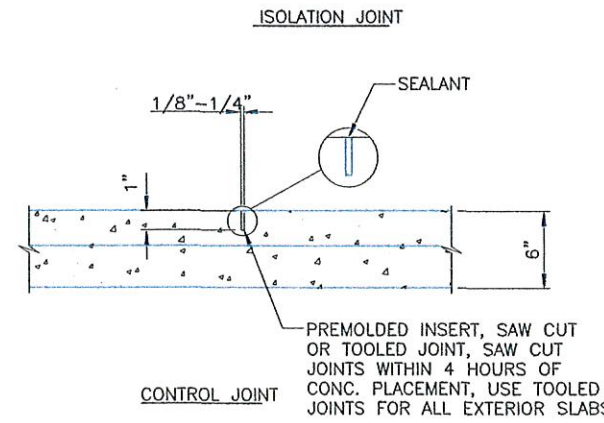
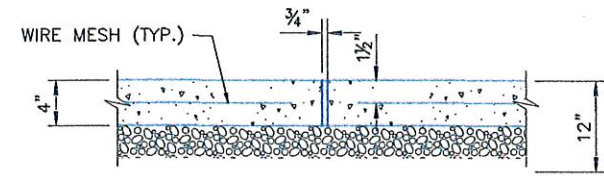
A FOUNDATION LAYOUT PLAN
Scale: 3/16"=1ft



BEARING POST SECTION
Scale: 3/4"=1'-0"
A
F-1



TYPICAL THICKENED SLAB
Scale: 3/4"=1'-0"
C
F-1



ISOLATION & CONTROL JOINT
Scale: 3/8"=1'-0"
B
F-1

NOTE:
IF CONTROL JOINTS ARE NOT SHOWN ON PLAN, CONTRACTOR TO PROVIDE CONTROL JOINT PLAN TO LIMIT AREAS TO LESS THAN 400 SQ. FT., SUBJECT TO ENGINEERS REVIEW.

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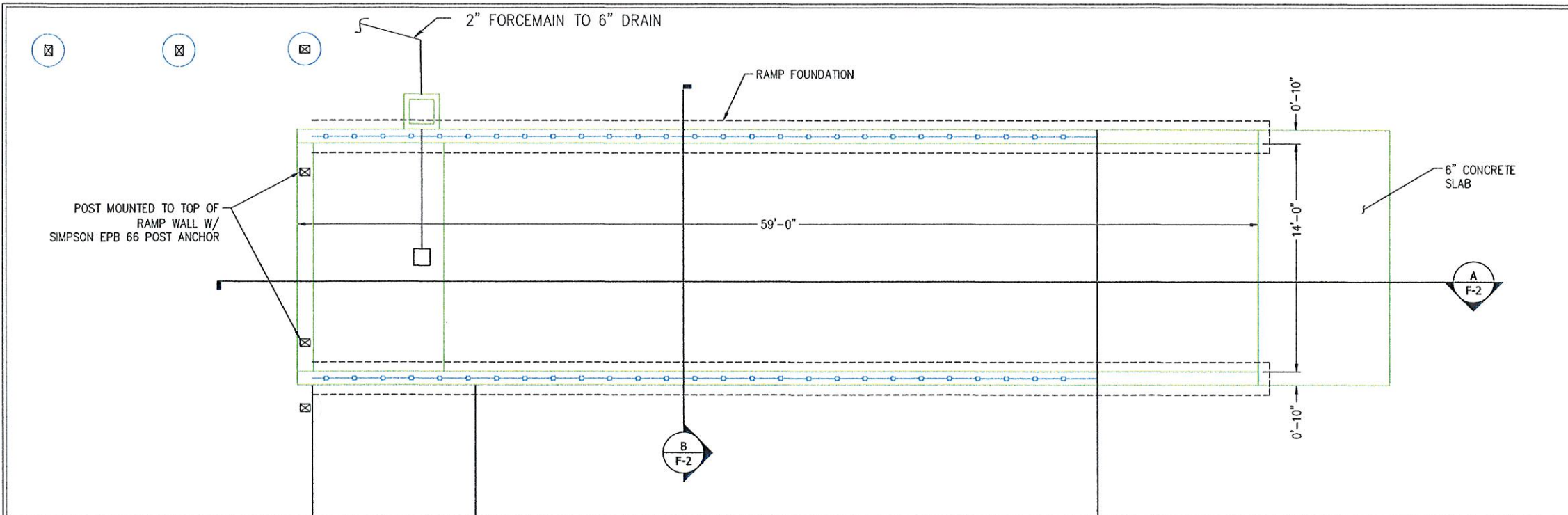
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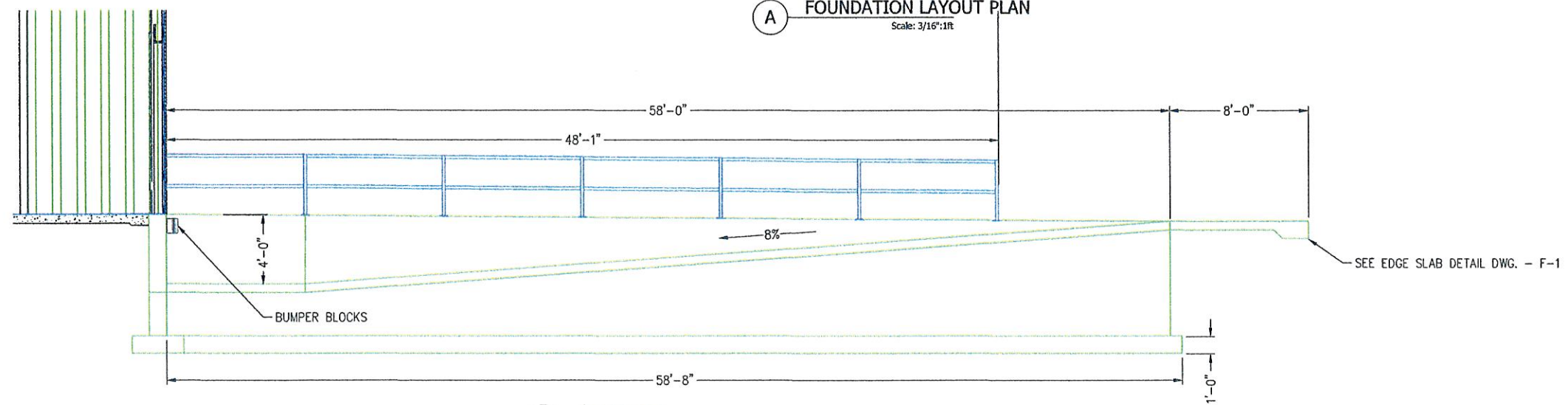
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FOUNDATION LAYOUT PLAN
PROJECT NAME: STORAGE / RETAIL BUILDING
111 CEDAR ST., BATAVIA, NY
CLIENT: CEDAR STREET SALES
151 CEDAR STREET, BATAVIA, NY

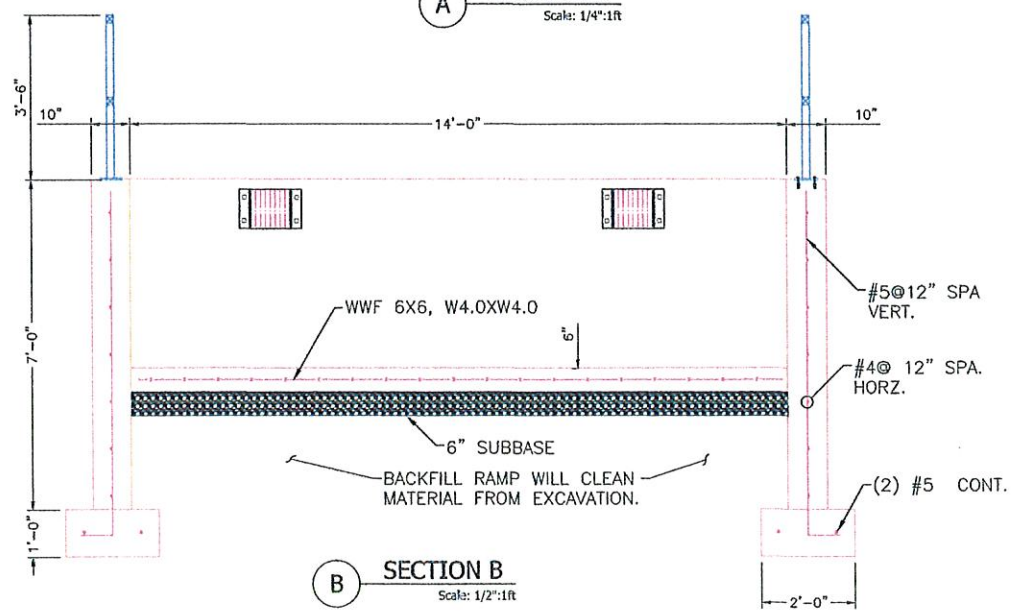
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DATE:	4-3-19	DRWN. BY:	
SCALE:	AS NOTED	CHKD. BY:	ADS
DRAWING NO.:	F-1		
SHEET NO.:	12	of 16	



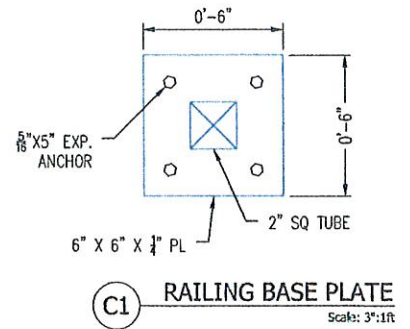
(A) FOUNDATION LAYOUT PLAN
Scale: 3/16":1ft



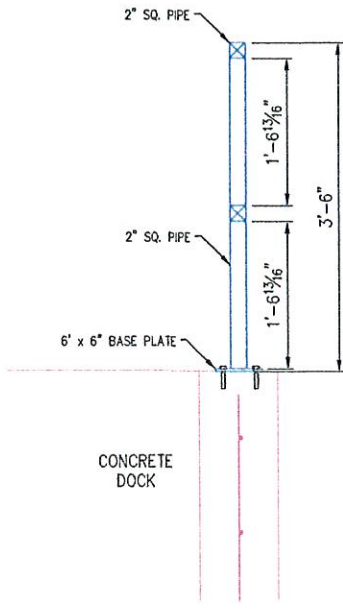
(A) SECTION A
Scale: 1/4":1ft



(B) SECTION B
Scale: 1/2":1ft



(C1) RAILING BASE PLATE
Scale: 3":1ft



(C) RAILING DETAIL
Scale: 1":1ft

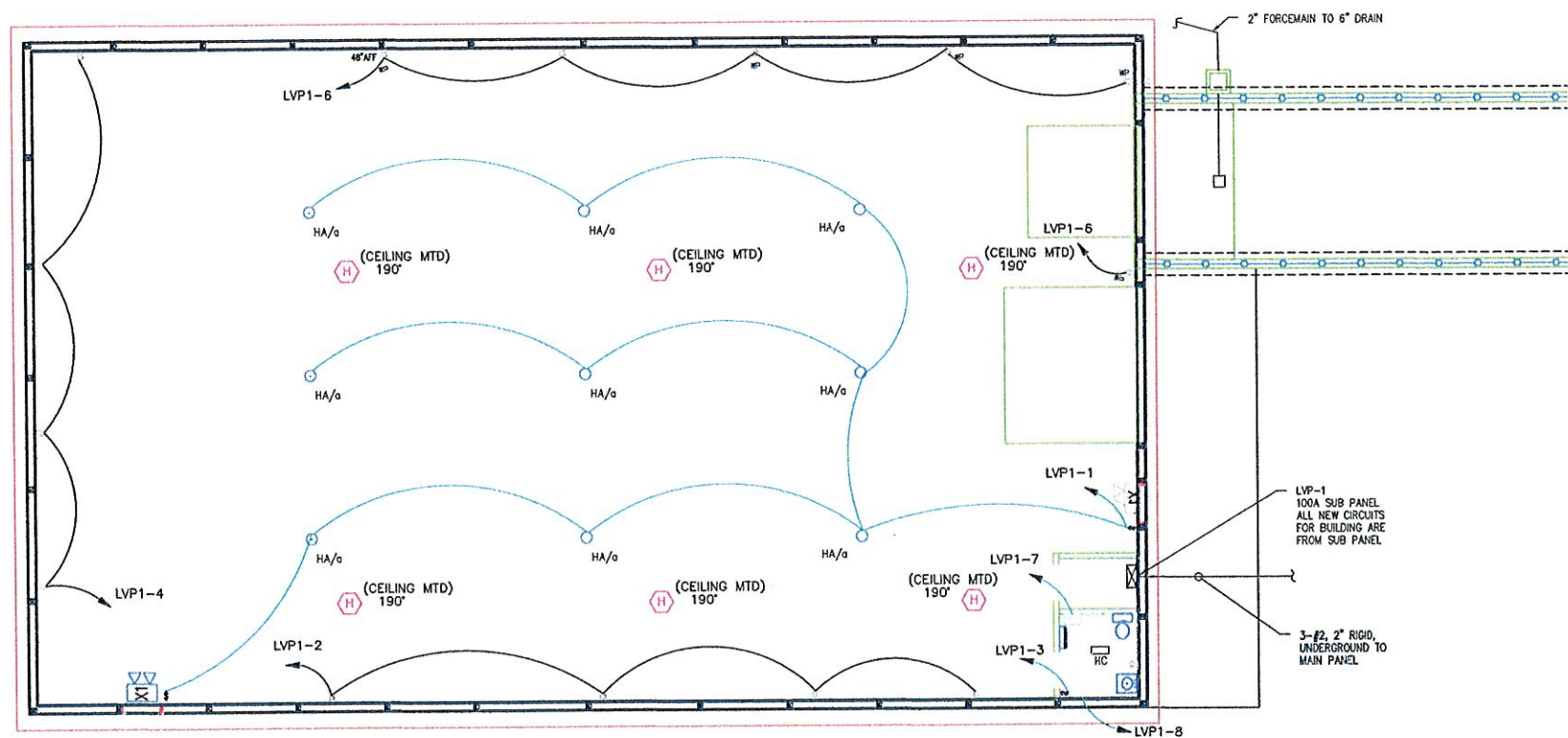
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LOADING DOCK DETAILS
PROJECT NAME: STORAGE/RETAIL BUILDING
111 CEDAR ST., BATAVIA, NY
CLIENT: CEDAR STREET SALES
151 CEDAR STREET, BATAVIA, NY

PROJECT NO.: 005-2019	PROJ. MGR.: ADS
DATE: 4-3-19	DRWN. BY:
SCALE: AS NOTED	CHKD. BY: ADS
DRAWING NO: F-2	
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A ELECTRICAL PLAN
Scale: 1/8"=1ft

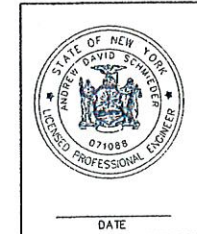
ELECTRICAL NOTES:

- INSTALL ALL WIRING AND EQUIPMENT IN ACCORDANCE WITH THE NFPA 70, NFPA 110 AND THE NFPA 111 2015 NATIONAL ELECTRICAL CODE.
- OBTAIN AN UNDERWRITERS CERTIFICATE UPON SUBSTANTIAL COMPLETION.
- COORDINATE ALL WORK WITH OTHER TRADES.
- WIRE SHALL BE STRANDED COPPER WITH THHN/THWN INSULATION, MINIMUM #12 AWG.
- CONCEALED CONDUIT SHALL BE EMT WITH SET SCREW FITTINGS.
- EXPOSED CONDUIT SHALL BE RIGID STEEL WITH THREADED FITTINGS. TYPE MC CABLE WITH A SEPARATE INSULATED GROUND IS PERMITTED. SUPPORT CABLE ON MINIMUM 4.5' CENTERS.
- ALL HOMERUNS TO PANELBOARDS SHALL BE INSTALLED IN EMT CONDUIT. TYPE MC CABLE MAY BE USED FROM OUTLET BOXES IN THE CEILING TO DEVICES AND LUMINAIRES, AND MAY BE RUN HORIZONTALLY IN THE METAL STUD PARTITIONS.
- WIRING DEVICES SHALL BE SPECIFICATION GRADE, THERMOPLASTIC COVERPLATES. MAKE SHALL BE HUBBELL OR EQUAL.
- WEATHER RESISTANT DEVICE COVERS SHALL BE UL LISTED WITH THE DEVICE PLUGGED IN. MAKE SHALL BE HUBBELL OR EQUAL.
- PANELBOARDS SHALL HAVE ALUMINUM BUS WITH PLUG-ON CIRCUIT BREAKERS AND SURFACE HINGED TRIM. MAKE SHALL BE SQUARE D OR EQUAL.
- ELECTRIC SERVICE TO BE FROM EXISTING PANELBOARD LOCATED IN EXISTING SERVICE BUILDING. ELECTRIC SERVICE TO BE PLACE BELOW GROUND IN PVC CONDUIT.
- CONDUIT AND CABLE SHALL BE RUN PARALLEL OR PERPENDICULAR TO BUILDING STRUCTURES AND SHALL BE SECURELY HUNG OR SUPPORTED FROM THE BUILDING STRUCTURE WITH MAXIMUM CLEARANCE ABOVE FINISHED FLOOR UNLESS OTHERWISE NOTED.
- ALL ELECTRICAL WORK IN FINISHED AREAS SHALL BE RUN CONCEALED WITH ALL RECEPTACLES, SWITCHES, DEVICES AND JUNCTION BOXES INSTALLED FLUSH.
- ALL MATERIALS AND WORK SHALL BE GUARANTEED FOR A MINIMUM OF ONE (1) YEAR FROM THE DATE OF FINAL ACCEPTANCE BY THE OWNER.
- LIGHTING AND RECEPTACLES LOADS ARE NOT TO BE CONNECTED TO THE SAME CIRCUIT.
- CONNECT ALL CIRCUITS SO THAT THE LOAD ON ANY CIRCUIT DOES NOT EXCEED 80% OF THE RATING OF THE CIRCUIT PER THE NATIONAL ELECTRICAL CODE.
- HEAT DETECTORS TO BE CONNECTED TO FIRE ALARM CONTROL PANEL (FACP) IN MAIN BUILDING. CONTRACTOR TO PROVIDE SHOP DRAWING OF THE FIRE ALARM SYSTEM PRIOR TO PURCHASE AND INSTALLATION.
- REFER TO DWG. E-2 FOR PANELBOARD SCHEDULE

MISCELLANEOUS LEGEND		ELECTRICAL LIGHTING LEGEND	
SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
①	REFERENCE TO DRAWING NOTE	\$	SINGLE POLE SWITCH
②	REVISION NOTE	oFA	DOWNLIGHT. DESIGNATION REFERS TO LUMINAIRE SCHEDULE
ELECTRICAL POWER LEGEND		PC	PHOTOCELL. NUMBER INDICATES TYPE
SYMBOL	DESCRIPTION	EM	EMERGENCY LIGHT
Ⓟ	DUPLEX RECEPTACLE, SUBSCRIPTS AS FOLLOWS: AFI ARC FAULT INTERRUPTER CR CORROSION RESISTANT EP EXPLOSION PROOF GFI GROUND FAULT INTERRUPTER WP WELDING PLUG IG ISOLATED GROUND SS SURGE SUPPRESSION W WEATHERPROOF	H	HEAT DETECTOR
LP1-2	INDICATES 20A BRANCH CIRCUIT CONNECTION FROM PANEL LP1, CIRCUIT 2 TO FIXTURES OR DEVICES. PROVIDE 2-#12,1-#12EG IN RACEWAY. MULTI-WIRE BRANCH CIRCUITS PER NEC ARE ALLOWABLE.	POWER DISTRIBUTION LEGEND	
	INDICATES NEW DEVICE OR EQUIPMENT	SYMBOL	DESCRIPTION
		—	SURFACE MOUNTED BRANCH CIRCUIT PANELBOARD. 208Y/120V OR 240/120V. REFER TO PANEL BOARD SCHEDULE

LUMINAIRE SCHEDULE					
TYPE	DESCRIPTION	LUMENS	LAMPS	VOLTAGE	ACCEPTABLE MANUFACTURER
HA	BLIZZARD EXT- 100W LED HIGH BAY LUMINAIRE BY INDUSTRIAL LIGHTING SYSTEMS, UL LISTED FOR DAMP LOCATIONS.	12,166	LED	120	APPROVED EQUAL
HC	RECESSED LIGHTING FIXTURE, LITHONIA 6BPMW LED, 6" DIA. 725 LUMENS	12.7	LED	120	APPROVED EQUAL
EM/X1	TLC LED EMERGENCY LIGHT (TLC2-B-TCVS), BY EVENLITE	125	LED	120	HUBBEL/APPROVED EQUAL

NO.	DATE	DESCRIPTION	REVISIONS
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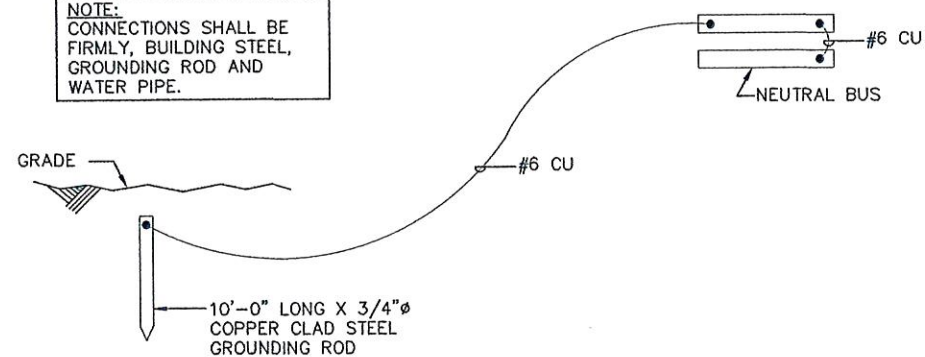


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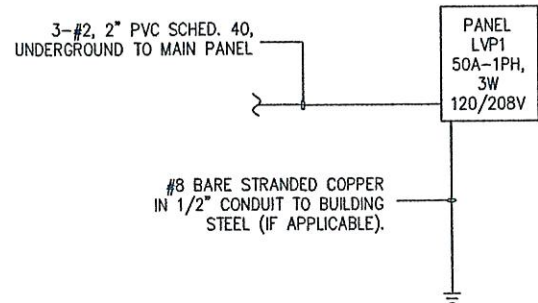
ELECTRICAL PLAN
PROJECT NAME: STORAGE / RETAIL BUILDING
111 CEDAR ST., BATAVIA, NY
CLIENT: CEDAR STREET SALES
151 CEDAR STREET, BATAVIA, NY

PROJECT NO.: 005-2019	PROJ. MGR. ADS
DATE: 4-25-19	DRWN. BY: ADS
SCALE: AS NOTED	CHKD. BY: ADS
DRAWING NO.: E-1	
SHEET NO. 14	of 16

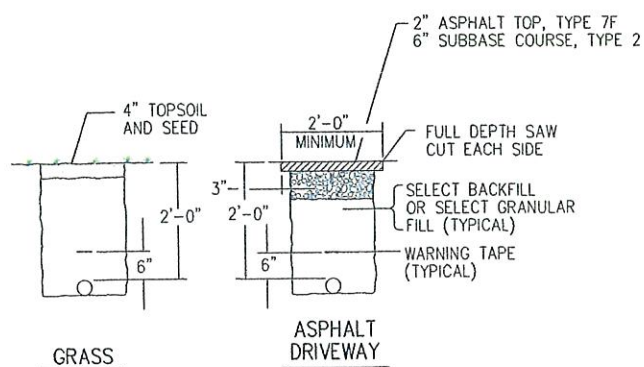
NOTE:
CONNECTIONS SHALL BE
FIRMLY, BUILDING STEEL,
GROUNDING ROD AND
WATER PIPE.



GROUNDING SYSTEM DETAIL 3
SCALE: NTS E-2



POWER RISER DIAGRAM 4
SCALE: NTS E-2



CONDUIT TRENCH INSTALLATION
NOT TO SCALE

PANEL LVP1													
MAIN CIRCUIT BREAKER: 100A MCB							PROJECT NAME: CEDAR STREET RETAILS						
MAIN BUS: 100A							FED FROM: STREET						
VOLTAGE: 208Y/120V 1PH -3W							LOCATION: -						
MAXIMUM AVAILABLE SHORT CKT. CURRENT: 22 KAIC							MOUNTING: SURFACE						
LOCATION	LOAD W		BKR.		CKT	BUS	CKT	BKR.		LOAD W		LOCATION	
	ØA	ØB	P	A				A	P	ØA	ØB		
INTERIOR LIGHT	488		1	20	1		2	20	1	540		RECEPTACLE	
INTERIOR LIGHT		150	1	20	3		4	20	1	360		RECEPTACLE	
EXTERIOR LIGHT	-		1	20	5		6	20	1	180		RECEPTACLE	
ELECTRIC WATER HEATER			1	20	7		8	20	1	-		ELECTRIC SPACE HEATER	
SPARE			1	20	9		10	20	1	-		SPARE	
SPARE			1	20	11		12	20	1	-		SPARE	
PHASE LOAD	-	-								-	-	PHASE LOAD	
MAX. PHASE CURRENT: ØA - -							TOTAL CONNECTED LOAD : - KW			NOTES: *PROVIDE GFCI BREAKER			
										** PROVIDE LOCK-ON CIRCUIT BREAKER			

ELECTRICAL NOTES:

ALL ELECTRICAL WORK SHALL BE IN STRICT ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE-YEAR OF THE LATEST REVISION AND ALL OTHER APPLICABLE CODES, RULES AND REGULATIONS. ANY LABOR, MATERIALS AND EQUIPMENT NECESSARY DUE TO NON-COMFORMANCE WITH THE ABOVE SHALL BE FURNISHED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.

ALL LIGHTING FIXTURES SHALL BE COMPLETELY LAMPED AND OPERABLE.

ALL EQUIPMENT SHALL BE U.L. LISTED AND LABELED.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PERMITS FEES AND INSPECTIONS. BEFORE POWER IS APPLIED, THE CONTRACTOR SHALL OBTAIN APPROVAL OF ALL REGULATORY AGENCIES HAVING JURISDICTION AND SHALL FURNISH WRITTEN PROOF OF SAME TO OWNER.

ALL EQUIPMENT SHALL BE INSTALLED IN STRICT ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND INSTRUCTIONS.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONTACTS AND COORDINATION WITH ELECTRIC COMPANY. ANY AND ALL FEES REQUIRED BY THE OF ELECTRIC COMPANY SHALL BE BORNE BY THE CONTRACTOR.

LOCATIONS OF EQUIPMENT SHOWN ON THE DRAWINGS SHALL BE CONSIDERED APPROXIMATE. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION WITH THE OWNER/ARCHITECT IN THE FIELD PRIOR TO INSTALLATION OF THE EQUIPMENT OR WIRING.

CONDUIT SHALL BE RIGID GALVANIZED STEEL (PVC COATED) WITH SEALED JOINTS WHERE INSTALLED UNDERGROUND OR UNDER THE SLAB. CONDUIT IN OTHER UNFINISHED AREAS MAY BE MET WHERE PERMITTED BY CODE.

CONDUIT AND CABLE SHALL BE RUN PARALLEL OR PERPENDICULAR TO BUILDING STRUCTURES AND SHALL BE SECURELY HUNG OR SUPPORTED FROM THE BUILDING STRUCTURE WITH MAXIMUM CLEARANCE ABOVE FINISHED FLOOR UNLESS OTHERWISE NOTED.

ALL ELECTRICAL WORK IN FINISHED AREAS SHALL BE RUN CONCEALED WITH ALL RECEPTACLES, SWITCHES, DEVICES AND JUNCTION BOXES INSTALLED FLUSH.

FURNISH AND INSTALL STEEL SLEEVES WITH RESILIENT SEAL FOR ALL FOUNDATION WALL AND FOOTING PENETRATIONS.

UNREGISTERED ALTERNATE SIGNATURE TO THIS DRAWING IS A VIOLATION OF NEW YORK STATE EDUCATION LAW ARTICLE 148, SECTION 7209

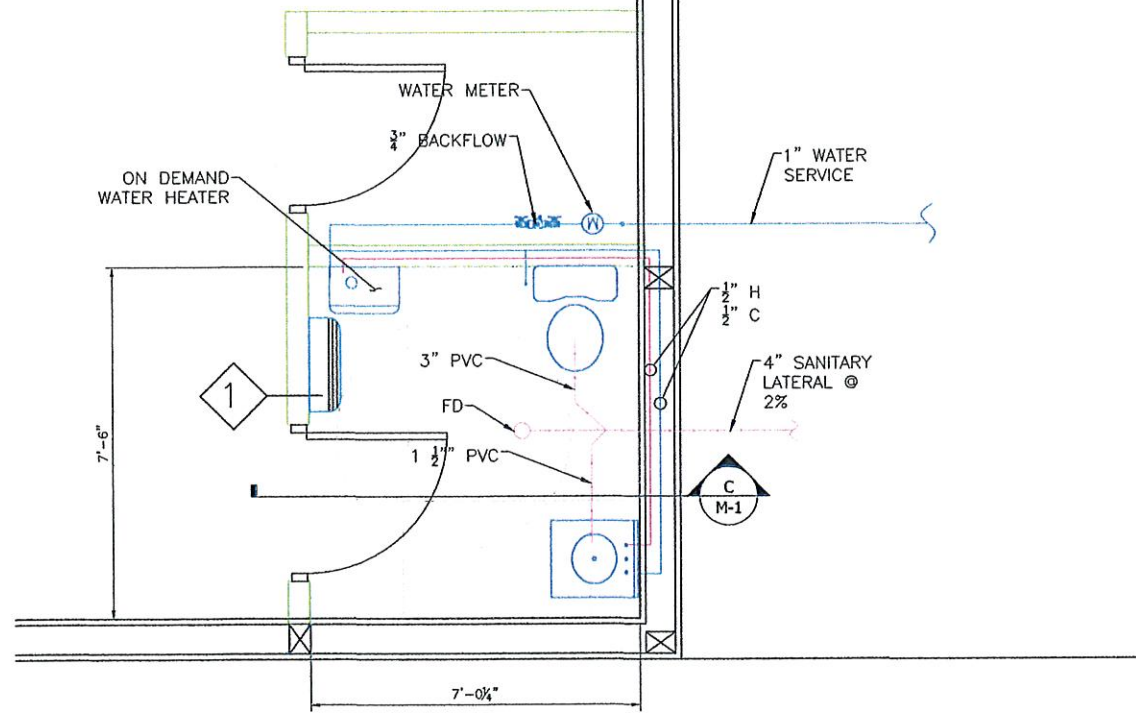


DATE

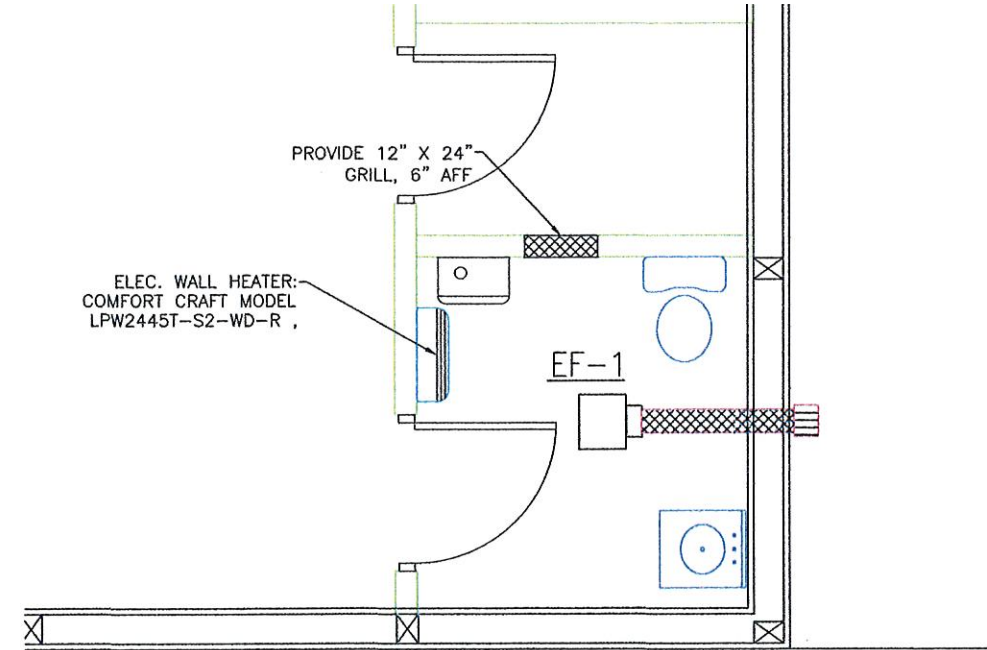
ANDREW SCHMIEDER, PE
11142 ALEXANDER ROAD, ATTICA, NY
(585) 297-3552

DRAWING TITLE: **ELECTRICAL DETAILS**
PROJECT NAME: **STORAGE/RETAIL BUILDING**
111 CEDAR ST., BATAVIA, NY
CLIENT: **CEDAR STREET SALES**
151 CEDAR STREET, BATAVIA, NY

PROJECT NO.: 005-2019	PROJ. MGR: ADS
DATE: 4-17-19	DRWN. BY: ADS
SCALE: AS NOTED	CHKD. BY: ADS
DRAWING NO: E-2	
SHEET NO. 15 of 16	



A PLUMBING LAYOUT
Scale: 1/2"=1ft



B MECHANICAL LAYOUT
Scale: 1/2"=1ft

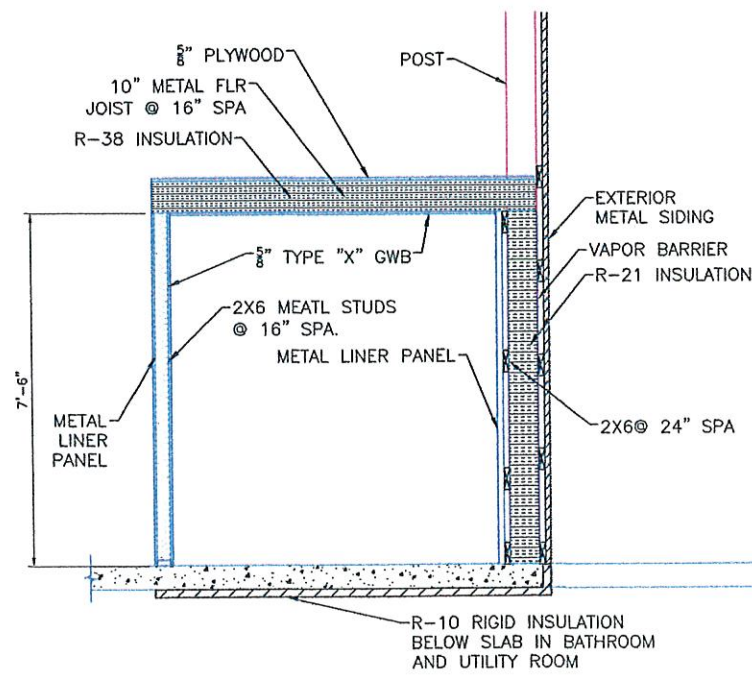
NUMBER	DRIVE	SERVICE	CFM	SP IN WG	RPM	ELECTRICAL			MAKE/ MODEL	NOTES
						VOLTS	PH.	WATTS		
EF-1	DIRECT	DRESSING ROOM	110	.10	950	115	1	80W	GREENHECK SP-B110	1-2

- NOTES:
 1. FURNISH COMPLETE WITH GREENHECK #WC WALL CAP
 2. INTERLOCK FAN OPERATION WITH LIGHTING CONTROL
 3. INTERLOCK FAN OPERATION WITH WALL MOUNTED THERMOSTAT

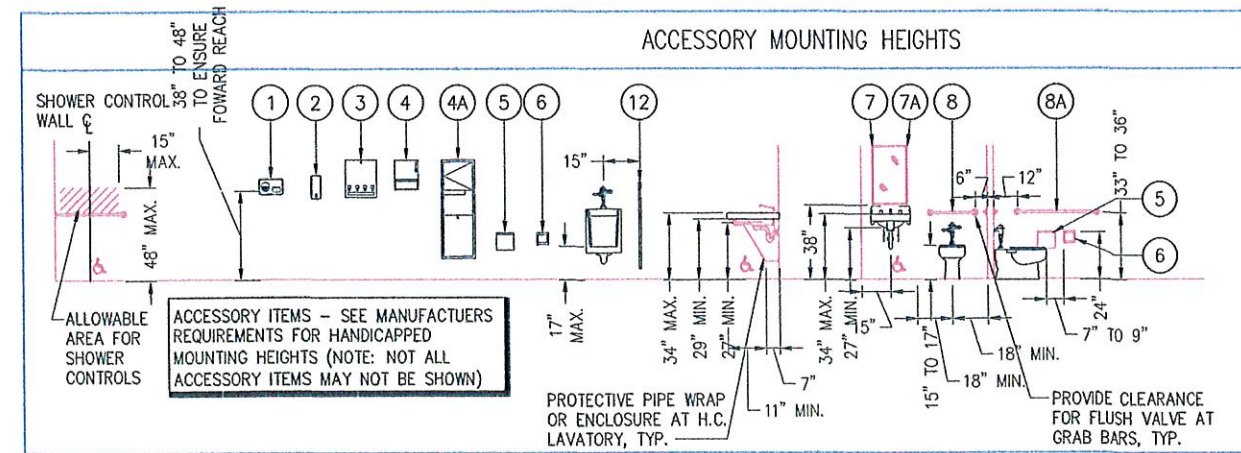
NUMBER	SUPPLY AIR (CFM)	WATTS	AMPS	ELECTRICAL			MAKE/MODEL	NOTES
				VOLTS	PH.	HZ		
EH-1	185	3,500	9.4-18.8	208	1	60	COMFORT CRAFT MODEL LPW445T-S2-WD-R	1

- NOTES:
 1. FURNISH COMPLETE WITH LOW AMBIENT KIT
 2. PROVIDE 6" (MIN) CONCRETE PAD FOR CONDENSER

NO.	DESCRIPTION	REMARKS
1	HAND / HAIR DRYER	NOT REQUIRED
2	SOAP DISPENSER	
4A	PAPER TOWEL DISPENSER / WASTE RECEPTACLE (BY OWNER)	
6	TOILET TISSUE DISPENSER	
7	MIRROR	
7A	40"x30" MIRROR - HC	40" MAX MOUNTING HEIGHT
8	GRAB BAR - TOILET 36"	
8A	GRAB BAR - TOILET 42"	



C BATHROOM FRAMING
Scale: 1/2"=1ft



NO.	DATE	DESCRIPTION	REVISIONS
3			
2			
1			



ANDREW SCHMIEDER, PE
 11142 ALEXANDER ROAD, ATTICA, NY
 (585) 297-3552

DRAWING TITLE: **MECH/PLUMBING PLAN**
 PROJECT NAME: **STORAGE / RETAIL BUILDING**
 111 CEDAR ST., BATAVIA, NY
 CLIENT: **CEDAR STREET SALES**
 151 CEDAR STREET, BATAVIA, NY

PROJECT NO.: 005-2019	PROJ. MGR: ADS
DATE: 4-15-19	DRWN. BY:
SCALE: AS NOTED	CHKD. BY: ADS
DRAWING NO: M-1	
SHEET NO: 16	of 16

§ 190-3. Definitions.

A. Generally.

(1) All words used in the present tense include the future tense; all words in the singular number include the plural number and vice versa; the word "person" includes corporations and all other legal entities; the words "lot," "plot," "parcel," "tract of land," and "premises" shall include one another; the word "premises" shall include the land and buildings thereon; the word "building" shall include "structure" and vice versa; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied" unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not directory.

(2) Except where specifically defined herein, all words in this chapter shall carry their customary meanings.

B. Specific terms. As used in this chapter, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

ACCESSORY DWELLING UNIT — A self-contained dwelling unit, within a structure originally designed for a single-family residence, with separate kitchen facilities, with requirements set forth in § 190-37].**[Added 10-25-1999]**

ADULT BOOKSTORE — An establishment having a stock-in-trade consisting partially or totally of books, magazines, any other periodicals or films including videos or compact disks, for sale, rent or viewing on premises by use of motion picture devices or any other coin-operated means, and which establishment has a substantial portion of said enumerated stock-in-trade which is distinguished or characterized by its emphasis on matter depicting, describing or related to specified sexual activities or specified anatomical areas.**[Added 11-14-1994; amended 12-13-1999]**

ADULT EATING OR DRINKING ESTABLISHMENT — An eating or drinking establishment which features any one or more of the following:**[Added 11-14-1994; amended 12-13-1999]**

(1) Live performances which are characterized by an emphasis upon the depiction or description of specified anatomical areas or specified sexual activities; or

- (2) Films, motion pictures, video cassettes, slides, or other visual representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
- (3) Employees who as part of their employment, regularly expose to patrons specified anatomical areas, and which is not customarily opened to the general public during such features because it excludes minors by reason of age.

ADULT ENTERTAINMENT CABARET — A public or private establishment which features topless dancers, strippers, male or female impersonators, exotic dancers or similar entertainers.**[Added 11-14-1994; amended 12-13-1999]**

ADULT MINI-MOTION-PICTURE THEATER — An enclosed building with a capacity of less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.**[Added 11-14-1994; amended 12-13-1999]**

ADULT MOTEL — A motel which makes available to its patrons in their room film slide shows or videotapes with an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.**[Added 11-14-1994; amended 12-13-1999]**

ADULT MOTION-PICTURE THEATER — An enclosed building with a capacity of 50 or more persons used regularly and routinely for presenting material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.**[Added 11-14-1994; amended 12-13-1999]**

ADULT USE — Within a commercial establishment, any activity or use relating to specified sexual activities or specified anatomical areas, including but not limited to the activities and uses set forth in the definitions of adult bookstore, adult eating or drinking establishment, adult entertainment cabaret, adult mini-motion-picture theater, adult motion-picture theater, adult motel, massage establishment, nude model studio and peep shows.**[Added 11-14-1994; amended 12-13-1999]**

ALLEY — Narrow supplementary thoroughfare for the public use of vehicles or pedestrians, affording access to abutting property.

ALTERATION — Any change, rearrangement, or addition to a building, other than repairs; any modification in construction or in building equipment.

AREA, BUILDING — Total of area taken on a horizontal plane at the main grade level of principal buildings and all accessory buildings, exclusive of uncovered porches, parapets, steps, and terraces.

ART GALLERY — A structure or building utilized for the display of art work, including paintings, sculptures and prints for sale to the public.**[Added 8-14-2000]**

AUTOMOBILE SERVICE STATION — Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including the sale of motor vehicle accessories and which may or may not include facilities for lubricating and other minor servicing of motor vehicles but not including the painting thereof by any means. Any rebuilding, reconditioning or collision services involving frame and fender straightening or repair, or any dismantling or disassembly of frame and exterior parts is not an automobile service station. The sale or rental of vehicles is not a permitted use under the definition of automobile service station. Such use may be allowed with special authorization of the Planning Board.

BASEMENT — That space of a building that is partly below grade, which has 1/2 or more of its height, measured from floor to ceiling, above the average finished grade.

BED-AND-BREAKFAST — A house or structure, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.**[Added 8-14-2000]**

BREW PUB/MICRO-BREWERY — An eating and drinking establishment where certain beverages are prepared on the premises exclusively for on-site consumption. For a brew pub, the brewing of such beverages is accessory to the eating and drinking establishment. A micro-brewery, on the other hand, focuses on the production of beer, with the eating and drinking establishment as an accessory.**[Added 8-14-2000]**

BUILDING — A structure wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof. The term "building" shall be construed as if followed by the phrase "or part thereof," unless otherwise indicated by the text.

BUILDING COVERAGE — That percentage of the lot area covered by the building area.

BUILDING, HEIGHT OF — The vertical distance measured from the average level of the proposed finished grade across the front of the building to the ridgeline of the roof of the building.

BUILDING LINE — A line formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surfaces of the building on any side. In case of a cantilevered section of a building or projected roof or porch, the vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line.

BUILDING OR STRUCTURE, ACCESSORY — A structure the use of which is incidental to that of the main building and which is located on the same premises.

CELLAR — That part of a building that is partly or entirely below grade, which has more than 1/2 of its height, measured from finished ceiling, below the average finished grade.

DENSITY — The total number of dwelling units proposed divided by the total number of acres within the tract.

DRIVEWAY — Every entrance or exit used by vehicular traffic to or from lands or buildings abutting a highway.

DWELLING, MULTIFAMILY —

- (1) A building designed or occupied for residential purposes by more than two families; or
- (2) A series of attached, detached, or semidetached buildings, which are provided as a group collectively with essential services and utilities, and which are located on a lot, plot, or parcel of land, under common ownership; or
- (3) The residential part of a mixed occupancy building. Regardless of the foregoing, any residential building, other than a one- or two-family dwelling on a single zoning lot, shall be deemed to be a multiple dwelling.

DWELLING, ONE-FAMILY — A building containing only one dwelling unit, and occupied by only one family.

DWELLING, TWO-FAMILY — A building containing only two dwelling units, and occupied by only two families.

DWELLING UNIT — A complete self-contained residential unit, with living, sleeping, cooking, and sanitary facilities within the unit, for use by one family.

FAMILY — A single person; or two or more persons maintaining a common household with not more than two boarders, roomers, or lodgers. The term family does not include live-in household employees.¹

FENCE — A fence is a structure which prohibits or inhibits unrestricted travel between properties or portions of properties or between the street or public right-of-way and a property. Fences may be constructed of wood, metal, plastic or other materials. Densely planted shrubbery or hedges which inhibit travel may also be considered as a fence.

FLOODPLAIN — Any area adjacent to a water body which is subject to inundation from high water and/or wave action, and at a minimum that area subject to a one-percent or greater chance of fl in any given year and all areas designated as Special Flood Hazard Zones by the Federal Insurance Administration's Offi Map for the City shall be considered as fl areas.

GARAGE, PRIVATE — A roofed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a nonresident of the premises.

GARAGE, PUBLIC — A building or part thereof used for the storage, hiring, selling, greasing, washing, servicing, or repair of motor vehicles, operated for gain.

GARDEN APARTMENTS — A residence building or group of one or more residence buildings of not more than 2 1/2 stories in height and two rooms in depth designed and erected as a project with singleness of use and operation and where joint or communal use is to be made of open areas by the occupants.

HELIPORT — An area used by helicopters which area includes passenger and cargo facilities, maintenance and overhaul, fueling service, storage space, tie-down space, hangars and other accessory buildings, and open spaces.

HELISTOP — An area on a roof or on the ground used by helicopters for the purpose of picking up or discharging passengers or cargo, but not including fuel service, maintenance or overhaul.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

HIGH RISE — An apartment complex three stories or more in height.

HOME OCCUPATION — Any occupation or profession which is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit by a member of the family residing in the dwelling unit. Home occupations shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes.

- (1) In particular, a home occupation includes, but is not limited to the following: licensed plumbers, hairdressing, dressmaking, laundering, homecooking, teaching (musical instruction limited to a single pupil at a time) and the skilled practice by an accountant, architect, artist, dentist, doctor, engineer, insurance agent, lawyer, musician, realtor, or member of any profession within a dwelling occupied by the same.
- (2) However, a home occupation shall not be interpreted to include the following: commercial stables and kennels, restaurants and tea rooms, musical instruction to groups, dancing instruction, tourist homes, convalescent homes, mortuary establishments, garages or shops for the repair of motor vehicles and other trades and businesses of a similar nature.
- (3) The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto. Not more than one person outside the family shall be employed in the home occupation. Under no circumstances shall the home occupation or professional use occupy more than 25% of the total gross habitable floor area of the principal building.

HOSPITAL — An establishment for temporary occupation by the sick or injured for the purpose of medical diagnosis and treatment, including a sanitarium and sanatorium, and shall be limited to the treatment or other care of humans.

HOTEL — A building containing primarily hotel units for the purpose of furnishing lodging, with or without meals, for transient occupancy; and with management maintaining a register and providing daily housekeeping and other incidental services, including desk, telephone, or bellboy services.

JUNKYARD; RECLAMATION CENTER — The use of more than 200 square feet of the area of any lot where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled,

cleaned, packed, disassembled or handled, processed or reclaimed, including automobile wrecking yards, used lumberyards, and places or yards for used or salvage materials and equipment; as distinguished from such uses when conducted entirely within an enclosed building, and as distinguished from establishments for the sale, purchase or storage of used cars in operable condition, used machinery, furniture and household equipment, and the processing of used, or salvaged materials as part of a manufacturing process. Two or more abandoned, disabled, dismantled or partly dismantled vehicles allowed to remain on a premises for a period of more than 30 days shall constitute a junkyard.

KENNEL — A structure used for the harboring of more than three dogs that are more than six months old.

LARGE-SCALE MULTIFAMILY DEVELOPMENT — A development which is designed to provide habitation for six or more families. Large-scale multifamily development shall include apartment houses, fl garden apartments, townhouses or any combination thereof which comprise six or more units.

LIVE/WORK UNIT — A place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan, or craftperson, including persons engaged in the application, teaching, or performance of fi arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.**[Added 8-14-2000]**

LOT — A parcel of land considered as a unit, occupied or capable of being occupied by one building and accessory buildings or uses, or by a group of buildings united by a common use or interest; and including such open spaces as are required by this chapter, and having its principal frontage on a public street or an officially approved place.

LOT AREA — The total horizontal area included within lot lines, except that no part of the area within a public right-of-way may be included in the computation of lot area.

LOT, CORNER — A lot located at the intersection of and fronting on two or more intersecting streets, and having an interior angle at the corner of intersection of less than 135^o.

LOT COVERAGE — That percentage of the lot area covered by the building area. (See "building coverage.")

LOT DEPTH — The mean horizontal distance between the front and rear lot lines, measured from front to rear.

LOT, INTERIOR — A lot other than a corner lot.

LOT LINE, FRONT — In the case of a lot abutting upon only one street, the line separating such lot from such street. In the case of a lot that abuts more than one street, each street line shall be considered to be a front lot line.

LOT LINE, REAR — That lot line which is opposite and most distant from the front lot line.

LOT LINE, SIDE — That lot line not a front lot line or a rear lot line.

LOT, THROUGH — An interior lot having frontage on two approximately parallel or converging streets.

LOT WIDTH — The distance between side lot lines measured at right angles to the lot depth measured at a point from the front lot line equal to the front yard specified for the district.

MASSAGE ESTABLISHMENT — Any establishment having a place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath, duly licensed massage therapist, or duly licensed physical therapist; or barbershops or beauty shops in which massages are administered only to the scalp, face, neck and shoulders. This definition shall also exclude health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts or exercise rooms, and which do not receive their primary source of revenue through the administration of massages. **[Added 11-14-1994; amended 12-13-1999]**

MOBILE HOME — A mobile home is a movable living unit designed for year-round occupancy, sometimes termed a "house trailer." For the purposes of this chapter, a mobile home shall not be considered a dwelling.

MOBILE HOME COURT OR PARK — A parcel of land which has been planned and improved primarily for the placement of mobile homes.

MOTEL — A building with or without party walls, or any group of buildings, used primarily for sheltering transient motorists, and accessory uses, such as restaurants and parking.

NONCONFORMING BUILDING, STRUCTURE OR LOT — A building, structure, lot or use of land existing at the time of

enactment of this chapter or an amendment thereto, and which does not conform to the regulations of the district in which it is situated or to the provisions of such amendment if nonconforming to such amendment only.

NONCONFORMING USE — A property use legally existing at the time of the enactment of this chapter, or any subsequent amendment, which does not conform to the use regulations of the district in which it is situated.

NUDE MODEL STUDIO — Any place where a person who appears in a state of nudity or displays specified anatomical areas is regularly provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, other than as part of a course of instruction offered by an educational institution established pursuant to the Laws of the State of New York.**[Added 11-14-1994; amended 12-13-1999]**

NURSING OR CONVALESCENT HOME — Any dwelling used for the accommodation and care of persons with, or recuperating from, illness or incapacity, where nursing services are furnished.

PEEP SHOWS — A theater which presents material in the form of live shows, film or videotapes, viewed from an individual enclosure with an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas and for which a fee is charged.**[Added 11-14-1994; amended 12-13-1999]**

PERSON — Any person, firm, partnership, corporation, association, or legal representative, acting individually or jointly.**[Added 11-14-1994; amended 12-13-1999]**

PARKING SPACE — An off-street space available for the parking of one motor vehicle measuring no less than eight feet in width and 19 feet in depth and including sufficient space for aisles and maneuverability.

PUBLIC STORAGE RENTAL UNITS/BUILDING - A building or buildings comprised of separate rental units of varying size for private storage of personal property by the general public.

RESTAURANT — Any establishment however designated, at which food is sold for consumption on the premises to patrons seated within an enclosed building. However, a snack bar or refreshment stand at a public, semipublic or community swimming pool, playground, playfield, or park operated by the agency or group or an approved vendor operating the

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recreational facilities and for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

RESTAURANT, DRIVE-IN — An establishment where patrons are served food, soft drinks, ice cream, and similar confections for principal consumption outside the confines of the principal building or in automobiles parked upon the premises, regardless of whether or not seats or other accommodations are provided for the patrons.

ROOMING HOUSE — Any building or portion thereof containing more than two and less than 10 rooms that are used, rented or hired out to be occupied or that are occupied for sleeping purpose for compensation, whether the compensation be paid directly or indirectly.

SALVAGE — The utilization of waste materials and processing of discarded or rejected materials that result from manufacturing or fabricating operations.**[Added 8-14-2000]**

SERVICE STATION — See "automobile service station."

SEXUAL ENCOUNTER CENTER — A business or commercial enterprise that offers for money or any form of consideration, a place where two or more persons may congregate, associate or consort for the purpose of specified sexual activities or exposure of specified anatomical areas or activities between male and female persons and/or persons of the same sex, when one or more of the persons is in the state of nudity or seminude. The definition of sexual encounter center shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State of New York engages in medically approved and recognized sexual therapy.**[Added 11-14-1994; amended 12-13-1999]**

SHOPPING CENTER — A group of commercial uses located on a single parcel of land under one ownership, having adequate space in rear for loading and unloading commodities; and required off-street parking.

SIGN — **[Amended 5-13-1985; 1-23-2017 by L.L. No. 1-2017]**

- (1) AWNING SIGN — A sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning material as an integrated part of the awning itself.
- (2) BACKLIT ILLUMINATION — Signs that are backlit illuminated involve a low level of external light shining out from behind solid objects, most often letters, creating a soft glow around the outside of the objects.

- (3) BRACKET SIGN — A freestanding sign, attached to the ground by one or more support structures, that is not higher than five feet and hangs from a bracket or support.
- (4) CANOPY SIGN — A sign placed on a canopy so that the display surface is parallel to the plane of the wall.
- (5) DIRECTIONAL SIGN — A permanent sign which is designed for the purpose of directing traffic or pedestrian traffic to the location of an activity or business.
- (6) ELECTRICAL RACEWAY — A raceway (sometimes referred to as a "raceway system" is an enclosed conduit that forms a physical pathway for electrical wiring. Raceways protect wires and cables from heat, humidity, corrosion, water intrusion and general physical threats.
- (7) ELECTRONIC MESSAGE BOARD — An illumination type that produces a static or changeable electronic message using light-emitting diodes (LED), liquid crystal display (LCD) or other digital display method, that is designed to provide an electronic message or display that may be generated and periodically changed using an internal, external or remotely located electronic control system, which contains an illuminated, programmable message or graphic, whether fixed or moving.
- (8) EXTERNAL ILLUMINATION — Signs that are externally illuminated have light shining onto the outer surface of the sign. External illumination may be downlit (lit from above) and uplit (lit from below).
- (9) FREESTANDING SIGN — A self-supporting sign not attached to any building, wall or fence, but in a fixed location; includes pole signs, pylon signs, and masonry wall-type signs, but does not include portable trailer-type signs.
- (10) ICONIC SIGN — A sculptural, typically three-dimensional sign whose form suggests its meaning, and which can either be building-mounted or freestanding.
- (11) ILLUMINATED SIGN — Any sign illuminated by electricity, gas or other artificial light either for the interior, back lit or exterior of the sign, and which includes reflective and phosphorescent light.
- (12) INTERNAL ILLUMINATION — Signs that are internally illuminated have light shining through the surface of the sign.

Typically, these either involve a rectangular-shaped box sign or individual letters (channel letters) that are lit from inside. Neon signs are not considered internally illuminated.

- (13) MARQUEE SIGN — A sign attached to the top or the face of a permanent roof-like structure.
- (14) MONUMENT SIGN — A freestanding sign attached to the ground along its entire length to a continuous pedestal. A monument sign is horizontally oriented or is square.
- (15) OFF-PREMISES SIGN — A sign unrelated to a business or a profession conducted, or to a commodity or service sold or offered, upon the premises where such a sign is located.
- (16) POLE SIGN — A freestanding sign constructed on a structure of one or more poles.
- (17) PORTABLE SIGN — A sign designed to be portable and not structurally attached to the ground, building, structure or another sign.
- (18) PROJECTING SIGN — A sign attached to the building façade at a ninety-degree angle, extending more than 15 inches. A projecting sign may be two- or three-dimensional.
- (19) SHINGLE SIGN — A small projecting sign that hangs from a bracket or support.
- (20) SIDEWALK SIGN — A moveable sign not secured or attached to the ground or surface upon which it is located.
- (21) SIGN — A structure or device designed or intended to convey information to the public in written or pictorial form.
- (22) SIGN STRUCTURE — Framework for the sign.
- (23) SIGN SURFACE AREA — The entire area within the single, continuous perimeter enclosing the limits of writing representation, emblem or any figure or similar character. Supports, uprights or structures on which any sign is supported shall not be included in the sign surface area unless it is an integral part of the sign.
- (24) TEMPORARY SIGN — A sign having a duration of no more than 60 days.

(25) **WALL SIGN** — A sign placed or painted against a building and attached to the exterior front, rear or side so that the display surface is parallel to the plane of the wall.

(26) **WINDOW SIGN** — A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside within four feet of the window, but not including graphics in connection with customary window display of products.²

SITE PLAN — A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, rights-of-way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Planning Board.

SPECIFIED ANATOMICAL AREAS [Added 11-14-1994; amended 12-13-1999] —

- (1) Less than completely and opaquely covered human genitals, pubic region or female breast below a point immediately above the top of the areola.
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES [Added 11-14-1994; amended 12-13-1999] —

- (1) Human genitals in a state of sexual stimulation or arousal.
- (2) Acts of human masturbation, sexual intercourse, or sodomy.
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

SUBSTANTIAL PORTION [Added 11-14-1994; amended 12-13-1999] — The following conditions are present:

- (1) The amount of actual stock-in-trade that is distinguished or characterized by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas is equal to or greater than 15% of the total stock-in-trade of the bookstore; and/or
- (2) Fifteen percent or more of the fl area of the building accessible to customers contains the enumerated materials distinguished or characterized by its emphasis on matter

2. Editor's Note: The definition of "sign area," which immediately followed, was repealed 5-13-1985.

depicting, describing or relating to specified sexual activities or specified anatomical areas, as compared to the total floor area of the building accessible to customers.

STREET — A public thoroughfare which has been dedicated or deeded to the public for public use, and which has been improved in accordance with municipal standards.

STREET LINE — That line determining the limit of the highway rights of the public, either existing or contemplated.

STRUCTURE — An assembly of materials, forming a construction framed of component structural parts for occupancy or use, including buildings.

STRUCTURAL ALTERATION — Any change to a structure which is not merely a repair or replacement of an existing part, or any change which would:

- (1) Enlarge or diminish the livable floor area of the structure or any part thereof;
- (2) Change the number of dwelling units contained in any structure;
- (3) Cause a change in the location or height of the exterior walls or roof of the structure;
- (4) Move the structure from one position to another;
- (5) Change any exit or entry facilities;
- (6) Change or rearrange the structural parts including bearing walls, beams, girders, columns.

TEMPORARY USE — An activity conducted for a specified limited period of time which may not otherwise be permitted by the provisions of this chapter.

TOURIST HOME — A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

TOWNHOUSE — One of a series of attached one-family dwelling units, each having a common wall between adjacent sections and having direct access to private, individual rear and/or front yards designed as an integral part of each one-family dwelling unit.

USE — The specific purposes for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

YARD — An open space on the same lot with a building, unoccupied or unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this chapter.

YARD, FRONT — An open, unoccupied space on the same lot with the building, between the front line of the building and the street or highway line, and extending the full width of the lot.

YARD, REAR — An open, unoccupied space, except for accessory buildings, on the same lot with the building between the rear line of the building and the rear lot line and extending the full width of the lot.

YARD, SIDE — An open, unoccupied space on the same lot with the building, situated between the building and the side lot line, and extending from the front yard to the rear yard.

§ 190-37. Special use permits. [Amended 11-9-1998]

The following uses may be permitted provided a special use permit is authorized by the Planning and Development Committee under the terms and specifications herein. The necessity for certain specific uses is recognized. At the same time they, or any of them, may be or become inimical to the public health, safety and general welfare of the community if located without consideration to the existing conditions and surroundings. Special use permits authorize a particular land use that is permitted by the provisions of this chapter, but may require additional conditions to assure that the proposed use is in harmony with this chapter and will not adversely affect the neighborhood conditions. The following standards and proceedings are hereby established which are intended to provide the Planning and Development Committee with a guide for the purpose of reviewing certain uses not otherwise permitted in this chapter.

- A. Municipal or public utility structures. Municipal or public utility structures or facilities may be permitted by special use permit in residential and commercial zoning districts provided that:
- (1) The proposed installation in a specific location is necessary and convenient for the efficiency of the public utility system or the satisfactory and convenient provision of service by the utility to the neighborhood or area in which the particular use is to be located.
 - (2) The design of any building in connection with such facility conforms to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights of the district in which it is located.
 - (3) Adequate and attractive fences and other safety devices will be provided.
 - (4) A buffer strip 10 feet in width shall be provided around the perimeter of the property.
 - (5) Adequate off-street parking shall be provided.
 - (6) All of the area, yard and building coverage requirements of the respective zoning district will be met.
- B. Professional offices. Professional offices for attorneys, physicians and/or dentists may be permitted by special use permit in the R-3 Residential District, 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) A minimum 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 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 shall occupy one building.
 - (8) If the proposed use is to be located in a residential building, the residential facade shall be maintained.
- C. High-rise apartments. High-rise apartments may be permitted by special use permit in the R-3 Residential, C-1 Limited Commercial and C-2 General Commercial Districts, provided that:
- (1) Detailed plot plans, showing parking, building location, buffer areas, etc., shall be submitted.
 - (2) No structure shall contain more than one dwelling unit per 650 square feet of lot area. For structures which exceed eight stories in height, the minimum lot area per dwelling unit shall not exceed 800 square feet.
 - (3) The minimum lot width shall be 150 feet.
 - (4) All yards shall have a minimum depth equal to not less than 1/2 the height of the tallest building but in no case shall the required yard areas be less than 35 feet.
 - (5) No apartment unit shall have less than 396 square feet of gross living area.
 - (6) Parking may be provided in any yard area but the front yard and shall be in the ratio as approved by the City Council.
 - (7) Not more than 40% of the lot area shall be covered by building area.
 - (8) Each building shall be provided with at least one passenger elevator and one service/passenger elevator.

- (9) One project identification sign shall be permitted which shall not exceed 25 square feet in area and shall be situated not less than 10 feet within the property lines. The sign may include only the name of the project, the street address, and the presence or lack of vacancies.
- D. Cleaning establishments. Cleaning establishments may be permitted by special use permit in the C-2 General Commercial and Industrial Districts, provided that:
- (1) It shall be determined that the proposed use is compatible in the adjoining land uses.
 - (2) The proposed use will not adversely affect the general health, safety and welfare of the public.
 - (3) The applicant shall indicate precautions taken to protect the general health, safety and welfare of the public.
- E. Automobile service stations; garages; drive-in restaurants. Automobile service stations and/or garages for the storage, adjustment or repair of motor vehicles, drive-in restaurants and other similar uses where specific attention and consideration must be given to traffic generation and the disruption of traffic flow as well as the danger to the general public due to hazards by fire and explosion, may be permitted by special use permit in C-2, I-1 and I-2 Districts, provided that:
- (1) A site plan shall be prepared to show the location of buildings, parking areas, and driveways. In addition, the site plan shall show the number and location of fuel tanks to be installed; the dimensions and capacity of each storage tank; the depth the tanks will be placed below the ground; the number and location of pumps to be installed; the type of structure and accessory buildings to be constructed; the location, height,
and lighting power of proposed lighting standards; and the manner in which buffering is to be provided.
 - (2) Automobile service stations and drive-in restaurants shall have the following yard restrictions:
 - (a) A minimum lot size of 15,000 square feet with a minimum width of 125 feet.
 - (b) Minimum front and side yard areas of 25 feet with a minimum rear yard of 35 feet.
 - (c) Maximum lot coverage of 20%.
 - (d) Maximum building height of one story or 18 feet.

- (3) Driveways at service stations, drive-in restaurants and other uses providing drive-in service shall not be less than 20 feet nor more than 24 feet in width at any point. Driveways must be at least 20 feet from any side lot line and 50 feet from the intersection of street lines. No more than two driveways shall be permitted for each 125 feet of street frontage.
- (4) The entire area of the site traveled by motor vehicles shall be hard surfaced.
- (5) Any repair of motor vehicles shall be performed in a fully enclosed building, and no motor vehicle shall be offered for sale on the site. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside an enclosed building.
- (6) Accessory goods for sale may be displayed on the pump island and the building island only. The outdoor display of oil cans and/or antifreeze and similar products may be displayed on the respective island if provided for in a suitable stand or rack.
- (7) All fuel pumps shall be located at least 20 feet from any street or property line and pumps shall have automatic shutoffs as approved by the Fire Department.
- (8) Parking for service stations shall be provided in the ratio of one space per 100 square feet of floor area or fraction thereof in the principal building. Parking for drive-in restaurants shall be provided in the ratio of four spaces per 100 square feet of floor area or fraction thereof in the principal building.
- (9) Where such parking areas abut a residential zoning district, they shall be screened by a buffer area not less than 10 feet in depth composed of densely planted evergreen shrubbery, solid fencing, or a combination of both which, in the opinion of the City Council will be adequate to prevent the transmission of headlight glare across the district boundary line. Such buffer screen shall have a minimum height of six feet above finished grade at the highest point of the parking area. The materials shall be in keeping with the character of the adjacent residential area.
- (10) No automobile service station or public garage shall be located within 500 feet of any public entrance to a church, school, library, hospital, charitable institution or place of public assembly. The distance shall be measured in a straight line from the public entrance to the lot line nearest such entrance along the street line.
- (11) No service station shall be located within 1,000 feet of an existing station on the same side of the highway. If a station is located at the intersection of two streets, this distance shall be measured along both streets which abut the property.
- (12) The areas shall be illuminated by nonglare lighting standards, focused downward, and which, in the opinion of the City Council, will not create a nuisance to adjoining property owners.

- (13) Drive-in restaurants for the purposes of this subsection are defined as eating establishments for customers normally arriving by motor vehicles, who are provided quick service, food and drink, and such customers obtain their own food and drink at a counter or other place for dispensing food therein and consume such food and drink upon the premises; or in such type restaurants where customers may be waited upon without leaving their vehicles by employees of the drive-in restaurant.
- (14) The use of an automobile service station may include the sale or rental of vehicles with a special permit from the City Council. No vehicles shall be parked or displayed in the required front yards, and a detailed plot plan showing the areas in which such vehicles are to be stored shall accompany the application for the special use permit.
- F. Automobile junkyards; reclamation centers. As defined by this chapter, junkyards, automobile junkyards, or reclamation centers may be permitted by special use permit in the I-1 and I-2 Industrial Districts, provided that:
- (1) All wrecking, dismantling, processing and other related operations shall be conducted within the property lines which shall be completely enclosed by a solid fence material of not less than six feet in height. Such fence shall be of a height sufficient to preclude the visibility of materials from all public rights-of-way.
 - (2) The keeping of such fence in good maintenance shall be a condition of the issuance of the special use permit. The Council may revoke this authorization if such fence is not maintained in good condition.
 - (3) No junkyard shall be located within 200 feet of a residential district. This distance shall be measured from the nearest point of the property line of the junkyard to the residential district.
- G. Large-scale multifamily developments. Large-scale multifamily developments, including garden apartments and townhouses may be permitted in any residential district and the C-1 Limited Commercial District, provided that:
- (1) A detailed site plan showing the location of all buildings, driveways, parking areas, and recreation space buffer areas, is submitted in accordance with § 51-8B of Chapter 51, Building Construction, of the Code of the City of Batavia.
 - (2) Special use permit for such uses shall be required at any time the number of units in a particular development reaches six or more, whether the six are proposed at any one time, single, or in any combination totaling six or more.

- (3) The total number of dwelling units for a multifamily project shall not exceed a density of:
 - (a) Six units per gross acre of land in R-1 Districts.
 - (b) Twelve units per gross acre of land in R-2 Districts.
 - (c) Twenty units per gross acre of land in R-3 and C-1 Districts.
- (4) There shall be no dwelling units below the first story or above the second story.
- (5) Each dwelling unit shall contain complete kitchen facilities, toilet and bathing facilities, and shall have a minimum gross floor area in accordance with the following:
 - (a) One-bedroom dwelling units and/or efficiency units shall have a minimum of 600 square feet.
 - (b) Two-bedroom dwelling units shall have a minimum of 800 square feet.
 - (c) Three-bedroom dwelling units shall have a minimum of 1,000 square feet.
- (6) There shall be no more than 16 dwelling units in each building or structure.
- (7) No multifamily dwelling structure shall be located within 25 feet of another dwelling structure, swimming pool, recreation building, or garage.
- (8) Every building shall have a minimum setback of 20 feet from any and all interior roads, driveways, and parking areas.
- (9) There shall be a buffer strip planted with evergreen shrubs along the entire perimeter of the property, exclusive of the front yard(s), of at least 15 feet in width measured from the property line. No parking or recreation areas shall be permitted within this buffer strip.
- (10) Parking shall be required at the ratio of no less than 1 1/2 spaces per dwelling unit.
- (11) A minimum of 10% of the total tract area shall be designated for common recreational purposes. The area designated for recreation shall, in the opinion of the City Council, be suitable for such purposes.
- (12) Sufficient laundry, drying, garbage pickup and other utility areas must be provided and shall be located with a view both to convenience and to minimizing the detrimental effect on the aesthetic character of the building(s) and shall be enclosed and shielded from view by fencing, walls or shrubbery of at least six feet in height around the perimeter.

(13) There shall be a minimum common storage area in each building for bicycles, perambulators and similar type of equipment of 30 square feet in area and a minimum of six feet in height per dwelling unit.

(14) Driveways, parking areas, dwelling entranceways, and pedestrian walks shall be provided with sufficient illumination to minimize hazards to pedestrians and motor vehicles. Such light sources shall, where necessary, be shielded to avoid glare disturbing to occupants of buildings.

(15) Other standards and conditions to the site plan and to curbing, driveways, parking areas, pedestrian walks, landscaping and planting not otherwise specified herein may be attached as conditions by the City Council as circumstances indicate they will further the purposes and intent of this chapter.

(16) The proposed use shall meet the area and yard requirements specified in Schedule I of this chapter.¹

H. Heliports and helistops. Heliports and helistops may be permitted by special use permit in the I-1 and I-2 and P-1 and P-2 Districts, provided that:

- (1) All applications for a heliport or helistop in the City shall include all of the information identified in § 51-8D of Chapter 51, Building Construction, of the Code of the City of Batavia, as well as anticipated frequency of helicopter operations; proposed landing areas, including ground and building sites; types of craft to be utilized; takeoff and landing approaches, emergency landing sites; fire participation facilities; and structural support capabilities for rooftop landing sites.
- (2) Heliports or helistops shall not be permitted within 1,000 feet of any residential district except by special use permit authorized by the City Council.
- (3) All helicopter landing areas shall be enclosed by winddeflection fences which are four feet in height.
- (4) All helicopter landing surfaces shall be free from dust, dirt and other loose material and shall be covered by a surface approved by the City Engineer.
- (5) For rooftop landing areas the structure shall be capable of supporting a gross concentrated load equal to 1.75 times the helicopter's weight.
- (6) Routes of helicopters shall be over terrain which affords suitable emergency landing areas no farther away than a glide angle of one foot vertically to four feet horizontally.

¹. Editor's Note: Schedule I is included at the end of this chapter.

- (7) Minimum landing areas for a heliport shall be 100 feet by 100 feet exclusive of tie-down facilities, taxi-ways, service and parking areas. On rooftop sites, the minimum landing area shall be 40 feet by 40 feet for helicopters of less than 3,500 pounds gross weight. The minimum size of the touchdown area for helicopters over 3,500 pounds gross weight shall be at least 1 1/2 times the rotor diameter.
 - (8) Rooftop helicopter landing facilities shall be located in an area that will permit a glide slope angle of eight feet horizontal distance for every one foot vertical clearance required. Two such approaches shall be available, at least 90° removed from each other.
 - (9) On all touchdown or landing areas, whether elevated or flush with the roof, provision shall be made for collecting fuel which may be spilled in event of any emergency. Separator or clarifier tanks for collecting spilled fuel shall be installed under approval and supervision of the City Engineer.
 - (10) Fire-fighting facilities approved by the Batavia Fire Department shall be provided at all landing sites.
 - (11) All landing sites shall be approved and marked as prescribed by the Federal Aviation Administration.
 - (12) For rooftop sites no light standards, roof vents, guy lines, television antennas, or other similar rooftop obstructions which may be difficult to see from the air shall be permitted within the required glide slope on three sides, or within an arc of 270°.
 - (13) Such lights as are installed shall illuminate and be directed onto the touchdown pad only, and in such a manner that the light rays cannot interfere with the helicopter pilot's vision.
 - (14) Approved means of communication, such as telephone, radio, fire alarm box or signaling device, shall be provided adjacent to the landing area.
- I. Restricted residential uses. Restricted residential uses shall be permitted in C-3 Central Commercial Districts as defined herein with the following provisions:
[Added 7-8-1996]
- (1) A detailed site plan showing the location and size of all buildings, entrances, exits, driveways, signage, parking areas, and dumpsters is submitted in accordance with § 51-8 of Chapter 51, Building Construction, of the Code of the City of Batavia.
 - (2) A detailed floor plan drawn to scale of all interior portions of any building or any renovations to existing buildings shall be submitted as part of the special use permit application.

- (3) The maximum height from curb level for any new building constructed shall be four stories.
 - (4) No residential use shall be permitted on the first floor. The first floor use must be consistent with other allowed uses in the C-3 Central Commercial Districts.
 - (5) There shall be no more than two bedrooms per unit.
 - (6) Any new building constructed shall be built to the front lot lines on Main Street and Jackson Street within the C-3 Central Commercial District.
 - (7) A parking plan shall be submitted detailing plans for parking. An annual fee for parking shall be required for any use by residents of City-owned parking lots with those limitations set forth by the City Council if the special use permit application is approved.
 - (8) Separate signage denoting residential use shall be allowed as approved in the special use review.
 - (9) Other standards and conditions to the site plan and to curbing, driveways, parking areas, pedestrian walks, landscaping and planting not otherwise specified herein may be attached as conditions by the City Council as circumstances indicate they will further the purposes and intent of this chapter.
- J. Accessory dwelling units. Accessory dwelling units may be permitted by special use permit in the R-1 Residential District, provided that: **[Added 10-25-1999]**
- (1) No changes are made to the front exterior of the single-family dwelling to maintain the appearance of a single-family home.
 - (2) Accessory units will only be allowed in owner-occupied singlefamily residences.
 - (3) Garages may not be converted to accessory dwelling units.
 - (4) Entrances for the accessory unit shall not be on the front exterior to maintain the single-family appearance of the structure.
 - (5) One parking space to be provided for the accessory dwelling unit.
- K. Standards applicable for all special use permits. The Planning and Development Committee may issue a special use permit only after it has found that all the following standards and conditions have been satisfied, in addition to any other applicable standards and conditions contained elsewhere in this chapter. **[Added 11-9-1998]**

- (1) The location and size of such use and intensity of the operations involved in or conducted therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons therewith will not be hazardous and shall be in harmony with the orderly development of the district.
- (2) The location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings, nor impair their value.
- (3) The operation of any such use shall not be more objectionable to nearby properties than would be operation of any permitted use.
- (4) The operation of any such use shall not cause undue noise, vibration, odor, lighting glare, and unsightliness so as to detrimentally impact adjacent properties.
- (5) When a commercial or industrial special use abuts a residential property the Planning and Development Committee may find it necessary to require screening of sufficient height and density (i.e. fences, hedges, etc.) to reduce or eliminate the conflicting environmental conditions previously mentioned.
- (6) Electrical disturbances shall not be caused so as to disrupt radio or television communications in the immediate area.
- (7) The proposed use shall meet the off-street parking and loading requirements of similar uses.
- (8) Appropriate on-lot drainage shall be provided so as to eliminate any potential on-site water-related problems. Also, the drainage systems created shall not detrimentally impact on adjacent properties.
- (9) Traffic access to and from the use site, as well as on-lot traffic circulation, shall be designed so as to reduce traffic hazards.
- (10) Such use shall be attractively landscaped.
- (11) A special use permit shall not be issued for a use on a lot where there is an existing violation of this chapter unrelated to the use which is the subject of the requested special use permit, as determined by the Planning and Development Committee.
- (12) As a condition of all special use permits, right of entry for inspection with reasonable notice shall be provided to determine compliance with the conditions of said permit.
- (13) In addition to the general standards for special use permits as set forth herein, the Planning and Development Committee may, as a condition of approval for

any such use, establish any other additional standards, conditions, and requirements it deems necessary or appropriate to promote the public health, safety and welfare, and to otherwise implement the intent of this chapter.

(14) The above standards are not intended to apply to uses whose regulation has been preempted by the state or federal government.

L. Adult uses as per Article VI. [Added 12-13-1999]

M. Public storage rental units/buildings. Public storage rental units/buildings may be permitted by Special Use Permit in the I-1 and I-2 districts provided:

(1) A site plan be prepared and show the arrangement of storage buildings and outside storage areas, exterior lighting, landscaping, screening, fencing, and garbage/trash storage areas, in addition to the site plan requirements of 190-44.

(2) Buildings are not to exceed 1 story in height and not more than 20 feet above grade.

(3) Buildings and outside storage areas are to be a minimum of 100 feet from any residential use property.

(4) Storage of the following will be prohibited:

(a) No flammable liquids, gases or solids in excess of those permitted by the International Fire Code.

(b) No storage of food products.

(c) No outside storage of junk automobiles/vehicles, auto parts, or mechanical equipment other than recreational vehicles, motor homes, travel trailers, campers, boats.

(d) No storage of garbage, trash or recyclable materials.

(5) Off street parking shall be provided for visitors at the rate of 1 space per 5 rental units.

(6) No materials or products of any kind may be displayed or offered for sale on site.

(7) Outdoor lighting shall be designed so the maximum illumination at the property line does not exceed "0" foot-candles on adjacent residential use properties.

§ 190-15. I-1 Industrial Districts.

In I-1 Industrial Districts, no building or structure shall be erected, altered or extended, and no land, building or structure or part thereof, shall be used for other than the following permitted uses, subject to the performance standards set forth in § 190-38:

A. Permitted principal uses.

- (1) Retail store, including storage, wholesale, and service operations customarily incidental thereto.
 - (2) Any legal use of a light industrial nature which involves the processing, fabrication, assembly or packaging of previously prepared or refined materials, including uses providing repair or general services to industrial uses except:
 - (a) Those uses which, because of danger to the general public due to hazards of fire and explosion, including those uses where explosives, combustible bases or flammable liquids are manufactured or stored, shall be permitted only by a special use permit authorized by the Council according to the provisions of § 190-37 and only in conformance with the State Building Construction Code¹ and Labor Law of the State of New York.
 - (b) Uses of an extractive nature, including but not limited to the operation of sand and gravel mines, topsoil removal and mineral removal work.
 - (3) Industrial office buildings for executive, engineering and administrative purposes.
 - (4) Scientific or research laboratories devoted to research, design and/or experimentation and processing and fabricating incidental thereto.
 - (5) Any use permitted in § 190-24B(2), except that retail stores shall be governed by Subsection A(1) of this section.
 - (6) Art gallery. **[Added 8-14-2000]**
- B. Permitted accessory uses.
- (1) Such accessory uses as are customarily incidental to any of the above uses, subject to the provisions of § 190-35.
 - (2) Off-street parking subject to the provisions of § 190-39.

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(3) Signs subject to the provisions of § 190-43.

C. Uses permitted by special use permit. **[Amended 8-14-2000]**

¹. Editor's Note: See Ch. 51, Building Construction.

- (1) Junkyards, salvage and scrap processing, outside storage.
- (2) Uses which may cause a danger to the public due to the hazards of fire and explosion.
- (3) Automobile service stations.
- (4) Live/work units. Live/work units must comply with § 190-37, Subsection J, entitled "Standards applicable for all special use permits."
- (5) Brew pub, micro brewery. Brew pubs and micro breweries must comply with § 190-37, Subsection J, entitled "Standards applicable for all special use permits."
- (6) **Public storage rental units/buildings with or without outside storage.**

§ 190-42. Miscellaneous regulations.

- A. Rear dwelling. No building in the rear of a principal building on the same lot shall be used for residence purposes, except that an accessory building may house domestic employees of the occupants of the principal building.
- B. Location of certain activities. Other provisions of this chapter notwithstanding, the following uses or activities shall not be permitted within 200 feet of any residential district:
 - (1) Garage or shop for painting of automobiles or for the repairing of automobile bodies or fenders involving hammering or other work causing loud or unusual noise or fumes or odors.
 - (2) Junkyard, animal hospital, kennel or place for the boarding of animals.
- C. Access of business, commercial, or industrial use. No driveway or other means of access for vehicles, other than a public street, shall be maintained or used in any residential district for the servicing of a commercial or industrial use located in a commercial or industrial district, except with special permission of the City Planning Board.
- D. More than one building on a lot. When there is more than one principal building on a lot in any district, the space between such buildings shall be no less than the sum of the side yards required, or the sum of the rear and the front yards, as the case may be and minimum lot area requirements shall apply to each structure.
 - (1) Public storage rental units/buildings are exempt from this requirement and must be constructed in compliance with the separation requirements of the New York State compilation of codes.**
- E. Mobile homes. The use of a mobile home for dwelling purposes in any district over 48 hours, whether on wheels or otherwise supported, is prohibited except as provided herein. Upon application, the Code Enforcement Officer may issue a temporary permit for the use of a mobile home for dwelling purposes for a period not to exceed two months in any twelve-month period, or issue a permit for a period of 12 months, which shall not be renewed, for the occupancy of a mobile home during construction of a permanent dwelling for the occupant.
- F. Parking lots. Parking lots may be allowed in Residential R-2 and R-3 Districts upon compliance with the following conditions and procedures:
 - (1) Application for a parking lot in an R-2 or R-3 District shall be made to the Code Enforcement Officer and the application

shall be accompanied by a fee as set by resolution of the City Council. It shall be reviewed by the Code Enforcement Officer and forwarded by him or her

within 30 days to the Planning Board for its consideration. If the application is thereafter approved, the Planning Board shall note its approval on the application and return it to the Code Enforcement Officer who shall then issue a permit and upon the completion of all the conditions required, the Code Enforcement Officer shall issue a certificate of compliance. **[Amended 4-22-1991; 3-13-1995; 6-25-2001 by L.L. No. 1-2001]**

- (2) The lot shall be used only for the parking of passenger automobiles of employees, customers or guests of the person or firm submitting an application as aforesaid, and such person or firm shall be responsible for the maintenance of the lot and ensuring compliance with the provisions hereof.
- (3) No charge shall be made for parking on the lot.
- (4) The lot shall not be used for sales, repair work or servicing of any kind.
- (5) Entrance to or exit from the lot shall be located so as to do the least harm to the residential district and reasonable time limits for the use of such lot may be established.
- (6) No advertising sign or material shall be located on the lot.
- (7) All parking shall be back of the front yard as defined in this chapter, and no motor vehicles shall be parked within 10 feet of any property line.
- (8) The parking area shall have a fence at least six feet high around the perimeter of the lot, and curbs with bumper tire barriers shall be installed at all parking spaces.
- (9) All lighting shall be arranged so that there will be no glare therefrom annoying to the occupants of adjoining property in a residential district.
- (10) The surface of the parking area and the approaches and exits thereto shall be composed of at least two inches of stone treated with asphaltic road oil or such other surfacing as may be required by the Planning Board and shall be smoothly graded and adequately drained.
- (11) The Planning Board may require such other conditions as may be deemed necessary to safeguard the health, safety

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and general welfare of the public and to minimize possible

detrimental effects of the parking lot on adjacent property.¹G. Landscaping regulations.

- (1) Landscaping consisting of attractive trees, shrubs, plants and grass lawns shall be required and planted in accordance with the site plans submitted and approved by the Planning Board. Buffer planting as defined in this chapter shall include an area of at least 10 feet in depth provided along the side and rear property lines of all commercial and industrial districts or uses including parking lots permitted in Subsection F of this section, so as to provide protection to adjacent properties where such lot lines abut Residential Districts or uses.
- (2) In addition to such buffer planting, the owner of the commercial or industrial property shall erect on the buffer area a fence six feet in height for the purpose of protecting the residential property from litter, debris and light glare and such other nuisances that would disturb peaceful possession.
- (3) Such fence shall contain no more than 25% open space. The responsibility for maintenance of the commercial or industrial property referred to herein shall be the shared responsibility of the owners of the property and any other tenants who may be in possession thereof.
- (4) Such fencing referred to above shall be located only as shown on the site plan approved by the Planning Board.

¹ . Editor's Note: Original Subsection 12, amended 3-13-1995, which immediately followed this section, was repealed 10-14-1997.

*Town of Clarence, NY
Tuesday, May 14, 2019*

Chapter 229. Zoning

Article XII. I Industrial Business Park

§ 229-100. Permitted uses.

A. Permitted uses shall be as follows:

- (1) Commercial uses, excluding any residential uses.
- (2) Light manufacturing.
- (3) Permitted in-fill uses in existing structures.
- (4) Telecommunication towers (see Chapter 173).
- (5) Landscape supply operations.
- (6) Public utility facilities.
- (7) Community facilities.
- (8) Assembly operations.
- (9) Mini storage/personal storage facilities.
- (10) Lumberyards.
- (11) Research and development operations.
- (12) Warehousing.

B. Exclusions: uses listed above which involve outdoor storage of merchandise, equipment, or hazardous materials.

C. Uses not specifically enumerated as permitted uses or special exception uses in the Industrial Business Park Zone are prohibited unless otherwise determined by the Town Board. The Town Board, prior to making such determination, shall hold a public hearing on the proposed use.

*Town of Batavia, NY
Tuesday, May 14, 2019*

Chapter 235. Zoning

Article IV. Zoning District Regulations

§ 235-27. Commercial District (C).

[Amended 5-17-2006; 2-20-2008 by L.L. No. 2-2008]

The Commercial (C) District is designed to provide areas within the Town for concentrations of commercial uses. These districts are located along major highways to provide for maximum development potential.

A. Permitted uses. The following uses are permitted in the Commercial District:

- (1) Retail/service trade.
- (2) Restaurant (excluding drive-in restaurants).
- (3) Hotel/motel.
- (4) Commercial greenhouse.
- (5) Office buildings.
- (6) Wholesale trade.
- (7) Theaters.
- (8) Banks (excluding drive-in banks).
- (9) Agricultural uses.
- (10) Accessory buildings, structures and uses.

B. Uses requiring special use permit. The following uses are permitted in the Commercial District upon the issuance of a special use permit:

- (1) Drive-in business, including drive-in restaurants and drive-in banks (see § 235-37).
- (2) Motor vehicle repair shop (see § 235-37).
- (3) Gasoline station (see § 235-37).
- (4) Gasoline station-market (see § 235-37).
- (5) Indoor recreation facility.

- (6) Light industrial.
 - (7) Motor vehicle sales, service and repair.
 - (8) Recreational vehicle and mobile home sales and service.
 - (9) Public utility (see § **235-38**).
 - (10) Residential uses, provided the predominant land use within 500 feet of the proposal is also residential.
 - (11) Warehouse.
 - (12) Shopping center.
 - (13) Day-care center.
 - (14) Contractor's yard.
 - (15) Car wash.
 - (16) Self-service storage facility.
 - (17) Farm equipment sales, service and repair (see § **235-37**).
 - (18) Recyclables handling and recovery facility.
 - (19) Pond (see § **235-48**).
 - (20) Off-premises advertising sign (see § **235-39**).
 - (21) Commercial communication tower (see § **235-52**).
 - (22) Accessory buildings, structures and uses related to those uses allowed by special use permit (only site plan review is required for approval).
 - (23) Outdoor recreation facility.
 - (24) Noncommercial wind energy system.
- C. Area regulations. See **Zoning Schedule A**.^[1]
- [1] *Editor's Note: **Zoning Schedule A** is included at the end of this chapter.*

*Town of Batavia, NY
Tuesday, May 14, 2019*

Chapter 235. Zoning

Article I. General Provisions

§ 235-5. Word usage and definitions.

- A. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense shall include the future tense, and the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall" is always mandatory; and the word "occupied" or "used" shall be construed to mean and shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied."
- B. The following terms are specifically defined. As used in this chapter, the following words shall have these meanings:

ABOVEGROUND TANK

Any stationary tank which is not entirely covered with earth or other backfill material.

ACCESSORY BUILDING

A building situated on a lot, subordinate to the main building on the same lot, and used for purposes customarily incidental and subordinate to said main building.

ACCESSORY STRUCTURE

A structure the use of which is incidental to the principal use of the main structure and which is attached thereto or located on the same lot.

ACCESSORY USE

A use customarily incidental and subordinate to the principal use of buildings and located on the same lot (i.e., a garden is accessory to a residence). For the purposes of this chapter, a family day-care home, roadside stand and home occupation (as defined herein) shall be considered accessory uses to a principal use on a lot; however, they and other accessory uses may be subject to additional requirements and review provisions set forth in this chapter (i.e., a Home Occupation II requires issuance of a special use permit).

ADULT CARE

The provision of temporary or long-term residential care and services to adults who, though not requiring continual medical or nursing care as provided by facilities licensed or operated pursuant to Article 28 of the Public Health Law or Articles 19, 23, 29, and 31 of the Mental Hygiene Law,^[1] are, by reason of physical or other

limitations associated with age, physical or mental disabilities or other factors, unable or substantially unable to live independently.

ADULT CARE FACILITY

A facility, other than a family-type home, which provides adult care. For the purposes of this chapter an adult care facility shall include the following: adult home, enriched housing program, residence for adults, shelter for adults, public home and private proprietary adult care facility as defined by the New York State Department of Social Services, Chapter II, Subchapter D, Part 485.

ADULT USE

The definitions associated with adult uses are contained in § 235-49.

AGRICULTURAL USE

Any parcel of land containing at least five acres used for the raising of food products or other useful or valuable growths of the field or garden for sale, together with dairying, raising of livestock and poultry, and other generally accepted agricultural practices, where the same is carried on as a business or otherwise for profit.

- (1) Such uses shall include the establishment of necessary farm structures within the prescribed limits, and the storage of equipment used in connection therewith.
- (2) Agricultural uses shall exclude the raising of fur-bearing animals, riding academies, public stables or dog kennels.

ALTERATION

Structural changes, rearrangements, change of location, or addition to a building, other than repairs and modification in building equipment.

AMUSEMENT GAME

Any mechanical, electric or electronic device used or designated to be operated for entertainment or as a game by the insertion of a coin, slug, token, plate, disc, key or any other article into a slot, crevice, or other opening or by paying money to have it activated. Not included are rides, bowling alleys, any device maintained within a residence for the not-for-profit use of occupants thereof and their guests, any gambling device, or jukeboxes.

ANIMAL SHELTER

A building or land used for the temporary harboring of stray or homeless dogs, cats, and other similar household pets, together with facilities for the provision of necessary veterinary care and adoption of the harbored animals.

ANIMAL WASTE STORAGE FACILITY

Any building, structure, pond, lagoon or yard for the bulk storage of animal waste for eventual removal and/or dispersion.

ANTENNA

An arrangement of wires or metal rods used in transmitting or receiving electromagnetic waves.

APARTMENT HOUSE

See "dwelling, multifamily."

AQUIFER

A geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield adequate quantities of groundwater to the wells.

AQUIFER RECHARGE AREA

The surface and subsurface land areas that collect precipitation or surface water and transmit this water to an aquifer.^[2]

AREA OF SPECIAL FLOOD HAZARD

Land subject to a one-percent or greater chance of flooding in any given year and part of Zone A on the Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM).

AREA VARIANCE

The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of this chapter.

ARTERIAL HIGHWAY

A highway which collects and distributes traffic to and from minor highways. For the purposes of this chapter the following highways shall be considered arterial highways within the town: New York State Route Nos. 5, 33, 63 and 98.

AUCTION HOUSE

An enclosed place or establishment conducted or operated for compensation or profit as a private or public market where items are offered for sale through competitive bidding. The term "auction house" shall not include on-premises estate, foreclosure, real estate or personal property sales conducted upon the estate, foreclosed or for-sale property or property belonging to the personal property owner. The term "auction house" shall not include flea markets, yard sales or livestock markets defined or regulated elsewhere or sheriff's or bank repossession sales.

[Added 2-20-2008 by L.L. No. 2-2008]

BED-AND-BREAKFAST

An owner-occupied one-family dwelling in which a room or rooms are rented on a nightly basis for periods of less than two weeks. Meals may or may not be provided.

BOARDINGHOUSE

An owner-occupied dwelling wherein more than three nonrelated, nontransient people are sheltered for profit.

BOARD OF APPEALS

The officially designated Town of Batavia Board of Appeals as established by the Town Board in accordance with § 267 of Town Law.

BUFFER STRIP

See § 235-13F.

BUILDING

Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, machinery, equipment or other material.

BUILDING, FRONT LINE OF

The line of that face of the building nearest the street line or, if there are street lines on two or more sides of the building, the line of that face of the building fronting on that street line where the principal entrance is located. This face includes decks and porches but does not include steps.

BUILDING, HEIGHT OF

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof.

BUILDING INSPECTOR

The Building Inspector of the Town of Batavia as appointed by the Town Board. Whenever the term "Building Inspector" appears in this chapter, it shall be interpreted to mean "and/or the Code Enforcement Officer."

[Amended 12-21-2011 by L.L. No. 2-2011]

BUILDING PERMIT

A permit issued by the Code Enforcement Officer stating that plans for the proposed construction of a building are in conformance with the Uniform Fire Prevention and Building Code.

BUILDING, TEMPORARY

A temporary building or temporary structure erected, constructed or placed upon the premises for a period not exceeding nine months. All other buildings or structures shall be deemed permanent for the purposes of this chapter.

CAMPGROUND

Land on which is located one or more cabins, trailers, shelters, houseboats or other accommodations for seasonal or temporary living purposes, excluding mobile homes.

CERTIFICATE OF COMPLIANCE

A certificate issued by the Building Inspector upon completion of construction, alteration or change in occupancy or use of a building or land. Said certificate shall acknowledge compliance with all the requirements of this chapter only and any adjustments thereto granted by the Board of Appeals.

CERTIFICATE OF OCCUPANCY

A certificate issued by the Code Enforcement Officer upon completion of construction, alteration or change in occupancy or use of a building. Said certificate shall acknowledge compliance with all the requirements of the New York State Uniform Fire Prevention and Building Code.

CHILD DAY CARE

Care for a child on a regular basis provided away from the child's residence for less than 24 hours per day by someone other than the parent, stepparent, guardian or relative within the third degree of consanguinity (blood relationship) of the parents or stepparents of such child. "Child day care" does not refer to care provided in:

- (1) A summer day camp, traveling summer day camp or children's overnight camp as defined in the State Sanitary Code;
- (2) A program for school-age children operated solely for the purpose of religious education, sports, classes, lessons or recreation;

- (3) A facility providing day service under an operating certificate issued by the New York State Department of Social Services;
- (4) A facility providing day treatment under an operating certificate issued by the Office of Mental Health or by the Office of Mental Retardation and Developmental Disabilities; or
- (5) A kindergarten, prekindergarten or nursery school for children three years of age or older, or a program for school-age children three years of age or older, or a program for school-age children conducted during nonschool hours, operated by a public school district or by a private school or academy which is providing elementary or secondary education or both in accordance with the compulsory education requirements of the Education Law, provided that such kindergarten, prekindergarten, nursery school or program is located on the premises or campus where the elementary or secondary education is provided.

CHILD DAY-CARE CENTER

A program or facility in which child day care is provided on a regular basis to more than six children for more than three hours per day per child for compensation or otherwise, except those programs operating as a group family day-care home, a family day-care home, or school-age child care program, as defined in this section.

CLUB

An organization established pursuant to the New York Not-For-Profit Corporation Law for a social, educational, or recreational purpose, catering exclusively to members and their guests, whose activities are not conducted primarily for profit.

CLUSTER DEVELOPMENT

A development of residential lots, each containing less area than the minimum lot area required for the zone within which such development occurs, while maintaining the overall density limitation imposed by said minimum lot area through the provision of open space as part of the site development plan.

CODE ENFORCEMENT OFFICER

The Code Enforcement Officer as appointed by the Town Board, who shall have all qualifications, duties and powers to administer and enforce all of the provisions in this chapter in the same manner as the Building Inspector.

[Added 12-21-2011 by L.L. No. 2-2011]

COMMERCIAL COMMUNICATION TOWER

A structure, including one or more antennas, that is intended for transmitting and/or receiving radio, television, telephone or microwave communications but excluding those used either for fire, police and other dispatch communications or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar communications.

COMMERCIAL EXCAVATION (MINING)

A lot or part thereof used for the purpose of excavation, processing or sale of sand, gravel, or clay, or other natural mineral deposits or the quarrying of any kind of rock formation, and exclusive of the process of grading a lot preparatory to the construction of a building for which a building permit application has been filed. Commercial excavation shall be divided into two categories based on the scale and type of operation as follows:

(1) MAJOR EXCAVATION

All excavations requiring a New York State mined land reclamation permit shall be considered major excavations.

(2) MINOR EXCAVATION

All excavations not requiring a New York State mined land reclamation permit shall be considered minor excavations.

COMMERCIAL WIND ENERGY SYSTEM

A wind energy system that is operated primarily (51% or more) to put energy into the electric grid, and/or has a nameplate capacity of more than 50 kilowatts (kW), and/or a total height of more than 175 feet, and/or a blade length of more than 30 feet.

[Added 2-20-2008 by L.L. No. 2-2008]

COMMUNITY CENTER

A meeting hall or place of assembly not operated primarily for profit.

COMMUNITY RESIDENCE

A supervised community home operated in compliance with the New York State Mental Hygiene Law which houses not more than 14 individuals and provides client supervision on a twenty-four-hour basis. For the purposes of this chapter an approved community residence as defined herein is considered a one-family dwelling.

CONE OF DEPRESSION

The usually inverted, cone-shaped depression in the water table that occurs due to the pumping of a well. The outermost limit of the cone of depression is a figure, generally circular in shape, defined by the point(s) where the elevation of the water table is no longer affected by the pumping of the well; also the vertical projection of that figure onto the land surface.

CONTRACTOR'S YARD

Businesses engaged in construction of buildings and structures, remodeling and repairs to existing buildings and structures, electrical services, plumbing services, excavation and grading services, roofing and siding services, masonry services, paving services, well drilling, sewage disposal system installation and services, and other similar services.

CONVALESCENT HOME OR EXTENDED CARE FACILITY

See "hospital."

COVERAGE

That percentage of the lot area covered by the combined area of all buildings or structures on the lot.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, which change could lead to increased flood damage, excluding normal maintenance to farm roads.

DISPOSAL

The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste, radioactive material, hazardous waste, or wastewater into or on any land or water so that such solid waste, radioactive material, hazardous waste, or wastewater will remain on the land or water and will not be removed.

DISPOSAL TRANSFER STATION

A solid waste management facility, other than a recyclables handling and recovery facility exclusively handling nonputrescible recyclables, that can have a combination of structures, machinery, or devices, where solid waste is taken from collection vehicles and placed in other transportation units for movement to another solid waste management facility.

DOWNGRAIENT

Portions of a lot defined by areas of lower land surface elevation with respect to the elevation of other portions of the same lot. In general, groundwater flows from areas of higher elevation (upgradient areas) to areas of lower elevation (downgradient areas). (See definition of "upgradient.")

DRIVE-IN BUSINESS

Includes a drive-in restaurant, refreshment stand, bank, car wash and the like where patrons are typically served in, or near, their motor vehicles.

DWELLING

A building, including a modular home, designed or used exclusively as permanent living quarters for one or more families. The term shall not be deemed to include an automobile court, hotel/motel, boardinghouse, mobile home, tourist home, tent or recreational vehicle.

DWELLING, MULTIFAMILY

A dwelling containing three or more dwelling units.

DWELLING, ONE-FAMILY

A building containing one dwelling unit only. (Double-wide or triple-wide mobile homes designed and built at the factory to be combined on site and with a minimum width of 20 feet and minimum area of 720 square feet shall be deemed to be one-family dwellings for the purpose of this chapter.)

DWELLING, TWIN HOME

A two-family dwelling in which a lot line passes between the units along a common wall.

[Added 2-20-2008 by L.L. No. 2-2008]

DWELLING, TWO-FAMILY

A dwelling containing two dwelling units only.

DWELLING UNIT

A building, or portion thereof, providing complete housekeeping facilities (kitchen, bath, living and sleeping areas) for one family.

DWELLING UNIT, PRIMARY

A dwelling, or portion thereof, providing complete living facilities for one family, and which occupies a space equal to or greater than 50% of the total available living space within a structure.

ECHO UNIT

A separate, detached, temporary dwelling unit, with its own cooking, sanitary and sleeping facilities, accessory to a single-family dwelling, for the use of and occupied by the elderly relatives of the occupants of the one-family dwelling. Such unit shall be constructed and installed in accordance with the requirements of Chapter B of the New York State Uniform Fire Prevention and Building Code and shall not be a mobile home.

FAMILY

One or more persons who live together in one dwelling unit and maintain a common household. It may consist of a single person or of two or more persons, whether or not related by blood, marriage or adoption. It may also include domestic servants and gratuitous guests.

FAMILY DAY-CARE HOME

A family home which is a personal residence and occupied as a family residence which provides child day care on a regular basis for more than three hours per day per child for three to six children for compensation or otherwise, as provided for under the New York State Department of Social Services. The name, description or form of the entity which operates a family day-care home does not affect its status as a family day-care home. For the purposes of this chapter, a family day-care home shall be considered an accessory use to a one-family dwelling.

FAMILY-TYPE HOME

Adult care operated and provided for the purpose of providing long-term residential care, room, board and personal care and/or supervision to four or fewer adult persons unrelated to the operator. For the purposes of this chapter a family-type home shall be considered a home occupation.

FARM

See "agricultural use."

FENCE

An artificially constructed barrier of wood, masonry, stone, wire, metal or any other manufactured material or combination of materials, or natural plantings (i.e., living fence), other than temporary uses such as snow fences or rabbit fences.

FERTILIZED VEGETATION

Areas of vegetation being cultivated by humans that require the application of fertilizers, pesticides or other substances in order to grow or maintain their existence.

FERTILIZER

Any commercially produced mixture that contains phosphorus, nitrogen, and/or potassium which is applied to the ground to increase nutrients to plants.

FIRST FLUSH

The delivery of a disproportionately large load of accumulated pollutants that are washed from impervious surfaces and the surface of the land during the early part of storms and transported in stormwater runoff.

FLOOD INSURANCE RATE MAP (FIRM)

An official map of the community on which FEMA has delineated the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD or FLOODING

A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of inland waters and/or the unusual and rapid accumulation of, or runoff of, surface waters from any source.

FLOODPLAIN OVERLAY ZONE

That area of the town identified on the Flood Insurance Rate Map (FEMA Community Number 360278) as being subject to flood and/or mudslide hazards, which area is delineated on the Zoning Map, and for which special floodplain management requirements and criteria are enumerated in Chapter 112, Flood Damage Prevention, of this Code.

FLOOR AREA OF A BUILDING

The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FLOOR, LOWEST

The floor of the lowest enclosed level, including basement, crawl space, or garage.

FRONTAGE

The extent of a building or a lot along one public street as defined herein.

GAME ROOM

A building or place containing five or more amusement games as defined herein (see "amusement game").

GARAGE, PRIVATE

An enclosed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein, nor is space for more than two cars leased to a nonresident of the premises.

GARAGE, PUBLIC

Any garage, other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, adjusting or equipping of automobiles or other motor vehicles.

GASOLINE STATION

Any building or land used for the sale of motor fuel, oil and motor vehicle accessories which may include facilities for lubricating, washing or servicing motor vehicles, but not painting or body repairs.

GASOLINE STATION-MARKET (CONVENIENCE STORE)

A gasoline station which provides a second commercial service such as a restaurant, dairy bar, beverage market, food or grocery market, or a commercial use which provides for gasoline sales. For the purpose of this definition, sales from vending machines are not considered commercial service.

GRADE, FINISHED

The natural surface of the ground, or the surface of the ground, lawn, walks or roads after the completion of any change in contour.

GROUNDWATER

All the water found beneath the surface of the land and present in aquifers and aquifer recharge areas.

GROUP FAMILY DAY CARE

A family home which is a personal residence and occupied as a family residence which provides child day care on a regular basis for more than three hours per day per child for seven to 12 children for compensation or otherwise, as provided for under the New York State Department of Social Services. For the purposes of this chapter, a family day-care home shall be considered a home occupation use.

HABITABLE FLOOR AREA

Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation or a combination thereof. A floor used only for storage purposes is not habitable.

HAZARDOUS SUBSTANCE

Any substance listed as a hazardous substance in 6 NYCRR Part 597, List of Hazardous Substances, or a mixture thereof.

HAZARDOUS WASTE

A waste, or combination of wastes, which is identified or listed as hazardous pursuant to 6 NYCRR Part 371, Identification and Listing of Hazardous Wastes. Hazardous waste, because of its quantity, concentration, or physical, chemical, or infectious characteristics, poses a significant hazard to human health or safety if improperly treated, stored, transported, disposed of, or otherwise managed.

HERBICIDE

Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed, and being those substances defined as herbicides pursuant to Environmental Conservation Law § 33-0101.

HOME OCCUPATION

An accessory use of a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services. Home occupations are further classified as being either Category I or II, depending upon whether or not nonresident individuals are working on site and whether more than one customer visit is expected at a time (see descriptions below).

- (1) In particular, a home occupation may include, but is not limited to, the following: art studio; barbershop/beauty parlor (limited to two work stations); cleaning services; contractors; computer programmer; cook; day nursing; direct sale product distribution (Amway, Avon, Tupperware, etc.); draftsman; dressmaker or tailor; electrical/radio/television repair; financial planning and investment services; insurance agent; musician; photographer; professional offices of a physician, dentist, lawyer, accountant, engineer or architect; real estate office; teaching or tutoring (limited to two students at one time); telephone answering; upholsterer; group family day-care home; school-age child care; and family-type home.
- (2) However, a home occupation shall not be interpreted to include the following: motor vehicle repair shop, machine shop, welding and fabrication shop, commercial stables and kennels, restaurants or furniture refinisher (involving dip tanks or stripping).

HOME OCCUPATION I

A home occupation which employs, on site, only resident members of the family and which expects not more than one customer visiting the site at any given time.

HOME OCCUPATION II

Any home occupation which is not considered a Home Occupation I as set forth above.

HOSPITAL

An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

HOSPITAL, ANIMAL

An establishment for the medical and/or surgical care of animals.

HOTEL/MOTEL

A building providing overnight accommodation for more than four transient people, which building need not be owner-occupied and may provide eating, restaurant and related facilities.

HUMAN EXCRETA

Human feces and urine.

HYDROLOGIC BUDGET RECHARGE AREA

The total area of surface land that is necessary to supply recharge to the well at an amount equal to that being withdrawn from the well each day, based on the annual average groundwater recharge area.

IMPERVIOUS SURFACE

Any man-made material, such as pavement used in parking lots or driveways or any building or other structure on a lot, that does not allow surface water to penetrate into the soil.

INDOOR RECREATION

Includes, but is not limited to, a health club, bowling alley, tennis court, table tennis, pool hall, skating rink, gymnasium, swimming pool, hobby workshop, and similar places of indoor recreation.

INDUSTRIAL PARK

A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

JUNKYARD

The term "junkyard" shall be defined in the same manner as is set forth in Chapter 138, Junkyards, of this Code, together with any amendment(s) thereto.

KENNEL

A building or land used for harboring six or more dogs over six months old.

LAND APPLICATION OF HUMAN WASTE

A site where septage or sewage sludge is applied to the soil surface or injected into the upper layer of the soil to improve soil quality or to provide plant nutrients. (This use is prohibited within the town; see also § 235-16.)

LANDFILL, SANITARY

The depositing of refuse in a natural or man-made depression or trench, or dumping it at ground level, then compacting to the smallest practical volume, and covering with earth or other material in a systematic and sanitary manner.

LANDSCAPING CONTRACTOR'S YARD

An area and building(s) where a landscaping contractor stores equipment, vehicles, materials (rock, stone, bricks, fencing, fixtures, etc.), tools and other items related to his/her business provided no direct retail sales are conducted on site.

LIGHT INDUSTRIAL

The processing, fabrication, assembly or packaging of previously prepared or refined materials.

LOT

Land occupied or which may be occupied by a building and its accessory uses, together with required open spaces, having not less than the minimum area, width and depth required for a lot in the district in which such land is situated, and having frontage on a street or other means of access as may be determined by the Planning Board to be adequate as a condition for issuance of a building permit. Any land included in a public road, street or highway right-of-way shall not be considered part of the lot for zoning purposes.

LOT AREA

The total area within property lines. Any land included in a public road, street or highway right-of-way shall not be included in calculating lot area.

LOT, CORNER

A lot located at the junction of and fronting on two or more intersecting streets. (Also see the definition "lot line, front.")

LOT DEPTH

The mean horizontal distance from the street right-of-way line of the lot to its opposite rear line measured at right angles to the street right-of-way line.

LOT FRONTAGE

The horizontal distance between the side lot lines, measured at the street right-of-way line.

LOT LINE

The property lines bounding a lot as defined herein.

LOT LINE, FRONT

In the case of a lot abutting upon only one street, the line separating the lot from the street right-of-way. In the case of a lot abutting more than one street, each street line shall be considered a front lot line.

LOT LINE, REAR

The lot line which is generally opposite the front lot line. If the rear lot line is less than 10 feet in length, or if the lot comes to a point at the rear, the rear lot line shall

be deemed to be a line parallel to the front line, not less than 10 feet long, lying wholly within the lot and farthest from the front lot line.

LOT LINE, SIDE

The property line or lines extending from the front lot line to the rear lot line, except in the case of corner lots which have no rear lot line.

LOT WIDTH

The horizontal distance between the side lot lines, measured at right angles to the lot depth.

MANUFACTURING

Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

MANURE

Animal feces and urine.

MOBILE HOME

A structure, whether occupied or not, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation, when connected to the required utilities. For the purpose of this chapter, an unoccupied mobile home shall be considered the same as an occupied unit.

MOBILE HOME PARK

A parcel which has been improved for the rental or lease of two or more lots and the provision of services for mobile homes for nontransient residential use.

MOTEL

See "hotel."

MOTOR VEHICLE REPAIR SHOP

Any building or land used for gain, wholly or partially, engaged in the business of service, repair or diagnosing motor vehicle malfunctions or repairing bodies, fenders or other components damaged by accidents or otherwise.

MUNICIPAL WELL

A groundwater well operated by a city, town, village, or special district created pursuant to New York State Law for the purpose of providing a public water supply.

NATURAL VEGETATION

Existing and naturally occurring indigenous vegetation which grows and is maintained without need of applications of fertilizers, pesticides or other chemical substances.

NONCOMMERCIAL WIND ENERGY SYSTEM

A wind energy system that is operated primarily (51% or more) for on-site (may be for more than one parcel) consumption, and has a nameplate capacity of 50 kW or less, and a total height of 175 feet or less, and a blade length of 30 feet or less. These are also defined as wind energy conversion systems (WECS) or small wind energy production facilities.

[Added 2-20-2008 by L.L. No. 2-2008]

NONCONFORMING BUILDING

A building legally existing at the time it was created which in its design or location upon a lot does not conform to the current regulations of this chapter for the district or zone in which it is located.

NONCONFORMING LOT

A lot of record legally existing at the date of the passage of this chapter which does not have the minimum frontage or contain the minimum area for the zone in which it is located.

NONCONFORMING USE

Use of a building or of land legally existing at the time it was created but not conforming to the current zoning regulations of the district in which it is located.

NURSING HOME

An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

OFFICE BUILDING

A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, or newspaper or candy stand.

ON-SITE CONSUMPTION

The use of petroleum to heat or cool a residential or nonresidential structure or to operate machinery necessary for agricultural activities. "On-site consumption" does not include on-site use of petroleum for processing or manufacturing activities or the sale or distribution of petroleum for or into vehicles, except vehicles used for agricultural operations on that site.

OUTDOOR RECREATION

Includes, but is not limited to, a golf course; golf driving range; trap, skeet, and archery range; swimming pool; skating rink; tennis court; recreation stadium; baseball and softball fields; skiing facility; hunting preserve; and similar places of outdoor recreation.

OUTDOOR SOLID-FUEL-BURNING DEVICE

A solid-fuel-burning device designed and intended for installation outside of the primary building on a lot and used to produce heat for transfer to the primary or accessory building(s) on such lot.

OWNER

An individual or individuals, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

PARKING SPACE

An off-street space available for the parking of one motor vehicle on a transient basis and having a width of 10 feet, and an area of not less than 200 square feet, exclusive of passageways and driveways, and having access to a street. Handicapped parking spaces may be larger and therefore require more space; however, regardless of its size, such space shall constitute a single parking space.

PERSONAL SERVICES

Establishments primarily engaged in providing services involving the care of a person or his or her apparel.

PEST

Any insect, rodent, fungus, weed or other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism which the Commissioner of Environmental Conservation declares to be a pest as provided by Environmental Conservation Law § 33-0101.

PESTICIDE

Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant, and those substances defined as pesticides pursuant to Environmental Conservation Law § 33-0101 et seq.

PETROLEUM

Any petroleum-based oil of any kind which is liquid at 20° Celsius under atmospheric pressure and has been refined, re-refined, or otherwise processed for the purpose of being burned as a fuel to produce heat or usable energy, or which is suitable for use as a motor fuel or lubricant in the operation or maintenance of an engine. Waste oil which has been reprocessed or re-refined and which is being stored for sale or use as a fuel or lubricant is considered petroleum for purposes of this chapter.

PLANNING BOARD

The officially designated Town of Batavia Planning Board as established by the Town Board in accordance with § 271 of the Town Law.

POND

A body of water (other than a swimming pool) created through construction or other similar method, having a depth of two or more feet.

PUBLIC STREET/ROAD

A thoroughfare which has been dedicated or deeded to the public for public use and which has been improved in accordance with municipal standards.

RADIATION

Ionizing radiation, that is, any alpha particle, beta particle, gamma ray, x-ray, neutron, high-speed proton, and any other atomic particle producing ionization, but shall not mean any sound or radio wave, or visible, infrared, or ultraviolet light.

RADIOACTIVE MATERIAL

Any material in any form that emits radiation spontaneously.

RECHARGE

The addition of water to an aquifer or to a pumping well; also the amount of water added to an aquifer or a pumping well. Recharge is typically expressed as a rate, e.g., inches per year or gallons per day.

RECREATIONAL VEHICLE

A unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own power or is mounted on or drawn by a motor vehicle (see also "sport recreational vehicle"). The basic entities are:

(1) **TRAVEL TRAILER**

A vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motor vehicle.

(2) **CAMP TRAILER**

A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by a motor vehicle.

(3) **TRUCK CAMPER**

A portable unit designed to be loaded onto, or affixed to, the bed or chassis of a truck. Truck campers are of two basic types:

(a) **SLIDE-IN CAMPER**

A portable unit designed to be loaded onto and unloaded from the bed of a pickup truck.

(b) **CHASSIS-MOUNT CAMPER**

A portable unit designed to be affixed to a truck chassis.

(4) **MOTOR HOME**

A vehicular unit built on a self-propelled motor vehicle chassis.

RECYCLABLES HANDLING AND RECOVERY FACILITY

A solid waste management facility, other than collection and transfer vehicles, at which recyclables are separated from the solid waste stream or at which previously separated recyclables are collected and which is regulated by 6 NYCRR Part 360.

RELIGIOUS INSTITUTION

A church, temple, parish house, convent, seminary and retreat house.

RESIDENTIAL CARE FACILITY

A residential facility, operated by either a public or private agency and regulated by the New York State Department of Social Services, exercising custody of dependent, neglected, abused, maltreated, abandoned or delinquent children; homes or shelters for unmarried mothers; residential programs for victims of domestic violence; or adult care facilities.

RESTAURANT

Any establishment, however designed, at which food is sold for consumption on the premises to patrons seated within an enclosed building and where the taking of food and drink from said building is incidental. However, a snack bar or refreshment stand at a public, semipublic or community swimming pool, playground, play field or park operated for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

RETAIL TRADE

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

ROADSIDE STAND

A structure of a nonpermanent nature (movable and temporary) located on the owner's property utilized during the harvest season for the sale of agricultural products grown primarily by the owner.

SATELLITE DISH

A structure which is designed and/or intended to receive, relay or send television signals to or from orbiting or geostationary satellites.

SCHOOL

Includes parochial, private and public institutions providing New York State approved educational services, including preschool and vocational programs, together with private and public schools and colleges and universities.

SCHOOL-AGE CHILD CARE PROGRAM

Care provided on a regular basis to more than six school-age children under 13 years of age or who are incapable of caring for themselves where such children attend a school higher than kindergarten or attend full-day (at least six hours) kindergarten at a public or private school, whether such care is provided for compensation or otherwise.

SECONDARY CONTAINMENT

A structure which prevents any materials that have spilled or leaked from primary containment structures, such as piping, tanks or other containers, from reaching the land surface or any water body.

SELF-SERVICE STORAGE FACILITY

A building or group of buildings divided into separate units or compartments used to meet the temporary storage needs of businesses and residential users. A warehouse operated for a specific commercial or industrial establishment shall not be considered a self-service storage facility.

SEPTAGE

The contents of a septic tank, cesspool, or other individual wastewater treatment works which receives domestic sewage wastes.

SHOPPING CENTER

A group of businesses occupying adjoining structures, having adequate space for loading and unloading and adequate off-street parking.

SIGN

Any structure or part thereof, or any device attached to a structure or painted or represented on a structure, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of, an announcement, direction or advertisement. A sign includes any billboard but does not include the flag, pennant, or insignia of any nation, or group of nations, or of any state, city or other political unit or of any political, educational, charitable, philanthropic, civic, professional, religious, political or like campaign, drive, movement or event. However, a sign as designed herein shall not include a similar structure or device located within a building.

(1) BUSINESS SIGN

A sign which directs attention to a business, profession and/or industry conducted or to products manufactured or sold upon the same lot.

(2) **DIRECTIONAL SIGN**

A sign limited to providing information on the location of an activity, business or event.

(3) **OFF-PREMISES ADVERTISING SIGN**

A sign which advertises an establishment, merchandise, service or entertainment which is not sold, produced, manufactured or furnished at the property on which said sign is located (e.g., billboards or outdoor advertising).

(4) **PORTABLE SIGN**

A sign, whether on its own trailer, wheels, or otherwise, designed to be movable and not structurally attached to the ground, a building, a structure or another sign.

(5) **TEMPORARY SIGN**

A sign related to a single activity or event having a duration of no more than 60 days.

SIGN AREA

The area defined by the frame or edge of a sign. Where there is no geometric frame or edge of the sign, the area shall be defined by a projected, enclosed, four-sided (straight sides) geometric shape which most closely outlines said sign.

SITE PLAN

A rendering, drawing or sketch prepared to specifications containing necessary elements, as set forth in this chapter, which shows the arrangement, layout and design of the proposed use of a single parcel of land as shown on such plan. Plats showing lots, blocks or sites which are subject to review under § 276 of the New York State Town Law and/or any local laws of the Town of Batavia regulating the division of property shall not be subject to review as site plans under this chapter unless a zoning application is submitted.

SKILLED TRADE SHOP

A shop where an individual involved in a skilled building trade (i.e., carpenter, plumber, electrician, etc.) assembles custom fixtures, cabinets, etc., for installation by him/her at a job site location. No retail sales of materials and/or products directly to the public shall be allowed on site.

SLUDGE

The solid, semisolid or liquid waste generated from a waste processing facility, but does not include the liquid stream of effluent.

SPECIAL USE PERMIT

A specifically designated use that would not be appropriate generally without restriction in a zoning district but which, if controlled as to number, area, location, relation to the neighborhood, or otherwise, in the opinion of the Planning Board, promotes the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity and/or the general welfare.

SPILL

Any escape of a hazardous substance or petroleum from the primary containers used in the normal course of storage, transfer, processing, or use.

SPORT RECREATIONAL VEHICLE

Motor vehicles for personal use by occupants of a household. Examples of recreational vehicles shall include motorcycles, all-terrain vehicles, snowmobiles, and boats. Examples of sport recreational vehicles shall not include vehicles for sale or lease. (See also "recreational vehicle.")

STABLE, PRIVATE

A building in which horses or other livestock are kept for private use and not for hire, remuneration, or sale.

STABLE, PUBLIC

A building in which horses or other livestock are kept for remuneration, hire or sale.

STABLING OF AGRICULTURAL ANIMALS

A concentration of animals, permitted under agricultural use, private stable and public stable, within a building, structure or other defined area for the purpose of housing or feeding.

STREET/ROAD GRADE

The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.

STREET/ROAD RIGHT-OF-WAY LINE

The line determining the limit of the highway rights of the public, either existing or contemplated.

STRUCTURE

Anything constructed or erected, the use of which requires location on or in the ground or attachment to something having location on or in the ground.

SWIMMING POOL

A structure intended for bathing, swimming or diving purposes, made of concrete, masonry, metal or other impervious materials, provided with a recirculating and/or controlled water supply with a depth of greater than two feet.

TEMPORARY USE

An activity conducted for a specified limited period of time which may not otherwise be permitted by the provisions of this chapter. Examples of such uses are buildings incidental to new construction which are removed after the completion of the construction work.

TOWN BOARD

The Town Board of the Town of Batavia, New York.

TOWNHOUSE

An independent single-family dwelling unit, which is one of a series of dwelling units, having a common party wall between each adjacent unit, each with a private outside entrance.

[Added 2-20-2008 by L.L. No. 2-2008]

TOWNHOUSE CLUSTER

A building, or group of buildings, with each building containing not more than eight townhouse dwelling units connected by common party walls.

[Added 2-20-2008 by L.L. No. 2-2008]

TOWNHOUSE DEVELOPMENT

A tract of land adequately sized to accommodate the construction of townhouse dwelling units in accordance with the density standards contained elsewhere in these regulations.

[Added 2-20-2008 by L.L. No. 2-2008]

TRAILER

Includes any towed vehicle used for carrying goods, equipment, and/or machinery.

TRUCKING TERMINAL

An area and building(s) where trucks load and unload cargo and freight and where cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation. Trucking terminals may include the storage or parking of trucks awaiting cargo as well as facilities for servicing of trucks.

UNDERGROUND TANK

Any tank completely covered with earth or other backfill material.

UPGRADIENT

Portions of a lot defined by areas of higher land surface elevation with respect to the elevation of other portions of the same lot. In general, groundwater flows from areas of higher elevation (upgradient areas) to areas of lower elevation (downgradient areas). (See definition for "downgradient.")

USE

The specific purpose for which land, water, a structure or a building is designed, arranged, or intended or for which it is or may be occupied or maintained.

USE VARIANCE

The authorization by the Zoning Board of Appeals for use of land for a purpose which is not allowed or is prohibited by this chapter.

UTILITY, PUBLIC

Any person, firm, corporation or governmental subdivision duly authorized to furnish to the public, under public regulation, electricity, gas, water, sanitary sewers, storm sewers, steam, telephone, telegraph or cable television, or other similar service.

WAREHOUSE

A building used primarily for the storage and/or distribution of goods and materials.

[3]

YARD

An unoccupied, open space on the same lot with any principal or accessory buildings or structures.

YARD, FRONT

The unoccupied, open space within and extending the full width of the lot from the front lot line to the front line of the principal building which is nearest to such front lot line.

YARD, REAR

The unoccupied, open space within and extending the full width of the lot from the rear lot line to the part of the principal building which is nearest to such lot line.

YARD, SIDE

The unoccupied, open space within the lot extending the full distance from the front yard to the rear yard and from the side lot line to the part of the principal building which is nearest to such side lot line.

ZONE OF CONTRIBUTION

The surface and subsurface land area surrounding a pumping municipal well that supplies direct recharge to the well.

ZONING BOARD OF APPEALS

That Board appointed by the Town Board specifically to hear all appeals as provided by these regulations and other duties specifically set forth in this chapter, New York State Town Law or as assigned to it by the Town Board.

ZONING PERMIT

A permit issued by the zoning officer stating that the purpose for which a building or land area is to be used is in conformance with the uses permitted and all other requirements of this chapter.

- [1] *Editor's Note: Article 23 of the Mental Hygiene Law was repealed by L. 1999, c. 558.*
- [2] *Editor's Note: The former definition of "Architectural Review Board," which immediately followed this definition, was repealed 2-19-2003.*
- [3] *Editor's Note: The former definition of "wind energy conversion system, production model," added 6-15-2005, which immediately followed this definition, was repealed 2-20-2008 by L.L. No. 2-2008.*