

PLANNING & DEVELOPMENT COMMITTEE

DRAFT MINUTES

August 16, 2022

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

Members present: *David Beatty, Edward Flynn, John Ognibene, Duane Preston*

Members absent:

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

I. Roll Call

Roll call of the members was conducted. Four members were present and Chairman Duane Preston declared a quorum.

II. Call to order

Mr. Preston called the meeting to order at 5:59 p.m.

III. Previous Meeting Minutes

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

RESULT: Approval of July 26, 2022 meeting minutes.

IV. Proposals

- A. Construct a wood-frame deck with a steel frame wall mounted canopy and permanently installed patio furniture with a barrier at the rear of this property

Address: *109 Main Street*

Applicant: Zac Condidorio (contractor, Whitney East Inc.)

Actions:

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

1. Review Application

Mr. Preston read the summary of the proposal. Zac Condidorio from Whitney East was present to speak about the project.

2. Discussion and Action by the Board

Mr. Condidorio described the components of the deck:

- Covered canopy constructed of clear roofing material
- Some ground level seating
- Catenary lighting as well as lighting on the deck
- Some ground-level seating
- Aluminum construction doors
- Wood stairs

ZONING BOARD OF APPEALS

Thursday, September 22, 2022

6:00 p.m.

Council Board Room

One Batavia City Centre, Batavia NY

AGENDA

- I. Roll Call
- II. Call to Order
- III. Pledge of Allegiance
- IV. Approval of Minutes – 9/22/22
- V. Statement about the role of the Zoning Board of Appeals and the procedure it follows
- VI. Variance Requests

A. Area Variance to place one 18’ wide asphalt driveway on the south side and one 18’ wide asphalt driveway on the north side of this parcel. The driveways will service this newly built two family residential building.

Address: 11 Orleans Ave

Applicant: Fred Mruczek (Owner)

Actions:

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

B. Area Variance to widen an existing 21’ wide asphalt driveway by placing 8’ of asphalt to the south side of the existing driveway .

Address: 20 Gateway Drive

Applicant: Joan Maniace (Owner)

Actions:

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

C. Area Variance to demolish a portion of the dwelling and construct a two story addition within the front yard clear space

Address: 149 Jackson Street

Applicant: Michael Pastore (Owner)

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

D. Area Variance to remove an existing two-story front entry porch and construct a wood-frame landing and stairs with canopy at the front entrance of this dwelling .

Address: 14 Olyn Avenue

Applicant: Frank Loncz (Owner)

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

E. Area Variance to construct a 10' x 8' enclosed entry porch on the front elevation of this dwelling. A portion of the new porch will be located within the required front yard clear space

Address: 54 Vernon Avenue

Applicant: Jennifer Turner (Owner)

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

F. Use Variance to permit the continuation of two unapproved dwelling units within this multiple dwelling building

Address: 113 Bank Street

Applicant: Michael Lullo (Agent for owner)

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

G. Use Variance to permit the continuation of two unapproved dwelling units within this multiple dwelling building

Address: 117 Bank Street

Applicant: Michael Lullo (Agent for owner)

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

VII. Setting of Next Meeting: October 27, 2022

VIII. Adjournment

Mr. Flynn asked if the deck would be constructed on top of the existing concrete. Mr. Condidorio explained that the concrete would be removed. Instead, a foundation wall and a full frost foundation will be constructed.

Mr. Preston asked if there will be a fire pit, and Mr. Condidorio responded that a fire feature is not part of his contract.

Mr. Preston asked if egress would pose a problem. Mr. Randall noted that egress is approved and Mr. Condidorio clarified that though rock seating had been part of the original proposal, it had proved to be too costly. Planter boxes will be placed between the brewery and the public, providing a screen, which can be removed in winter for ease of snow removal.

Mr. Flynn asked about materials, and Mr. Condidorio said that he would use a composite material for the deck with a metal guardrail. He also said that the canopy would be galvanized in an industrial sort of style.

Mr. Flynn asked if the building is on the National Historic Register and a discussion ensued.

Mr. Preston asked if a ramp was needed for handicap accessibility. Mr. Condidorio responded that a ramp is unnecessary because there is an exit inside.

Mr. Preston asked if the lighting at night will pose a problem for the neighbors, and Mr. Condidorio said that lights would be shut off at closing time, which he believes takes place at 11:00 p.m.

MOTION: Mr. Beatty moved to approve the proposal as presented; the motion was seconded by Mr. Ognibene, and on roll call, was approved 4-0.

RESULT: Application approved.

B. Recommendation to the ZBA for an area variance to place one 18' wide asphalt driveway on the south side and one 18' wide asphalt driveway on the north side of this parcel. The driveways will service this newly built two-family residential building

Address: *11 Orleans Avenue*

Applicant: Fred Mruczek (owner)

- Actions:**
1. Review application
 2. Discussion and action by the board

1. Review Application

Mr. Preston read the summary of the proposal. Mr. Mruczek was present to speak regarding the project.

2. Discussion and Action by the Board

Mr. Mruczek described the building as a high-end two-family dwelling. He explained that he would like the driveways on each side of the dwelling to be wide enough to fit two vehicles. He said that he does not believe his request is unreasonable, noting that there are other properties with wide driveways on the street.

Mr. Flynn asked if the driveway would be paved. Mr. Mruczek answered that though he intends to pave it eventually, for now it will consist of scalplings.

MOTION: Mr. Flynn moved to recommend approval of the application to the ZBA; the motion was seconded by Mr. Beatty, and on roll call, was approved 4-0.

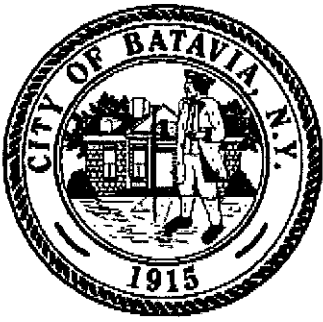
RESULT: Recommendation to the ZBA approved.

V. Setting of Next Meeting: September 20, 2022

VI. Adjournment

Mr. Preston adjourned the meeting at 6:14 p.m.

Meg Chilano
Recording Secretary



City of Batavia
Department of Public Works
Bureau of Inspections

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

To: Planning and Development Committee
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 9/7/22

Re: 20 Gateway Dr.
Tax Parcel No. 71.014-2-13

Zoning Use District: R-1

The applicant, Joan Maniace (owner), has applied for a permit to widen an existing 21' wide asphalt driveway by placing 8' of asphalt to the south side of the existing driveway.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (13).

Review and Approval Procedures:

City Planning and Development Committee- Pursuant to section 190-49 C. of the zoning ordinance, the Planning and Development Committee shall review and make recommendations to the ZBA for applications that include parking variances.

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 Sec. 190-39 E (1) The width of driveways shall not exceed 25% of the lot frontage.**

	<u>Permitted</u>	<u>Proposed</u>	<u>Difference</u>
Driveway width	21' (25%)	29' (34%)	8' (9%)



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

PAID
AUG 30 2022
CITY OF BATAVIA
CLERK-TREASURER

Application No.: 22-13
Hearing Date/Time: _____

Kimberley Road

APPLICANT: Joan A. Maniace
Name: Joan A. Maniace E-Mail Address: Maniace20@yahoo
Street Address: 20 Gateway Drive Phone: 585-344-1536 Fax: N/A
City: Batavia State: N.Y. Zip: 14020

STATUS: Owner Agent for Owner Contractor

OWNER: Joan A. Maniace
Name: Joan A. Maniace E-Mail Address: Maniace20@yahoo.com
Street Address: 20 Gateway Dr. Phone: 585-344-1536 Fax: _____
City: Batavia State: N.Y. Zip: 14020

LOCATION OF PROPERTY: 20 Gateway Drive

DETAILED DESCRIPTION OF REQUEST: Widening existing driveway
Putting pavement down

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.

Kimberley M. Read 8/25/22
Applicant's Signature Date
Joan A. Maniace 8/25/22
Owner's Signature Date

To be Filled out by Zoning Officer

TAX PARCEL: 71.014-2-13 ZONING DISTRICT: R-1 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: _____

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.

NO

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. NO

3. **Substantiality.** The requested area variance is not substantial. NO

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.

NO

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. NO

Kimberly M. Read
Applicant's Signature

8/25/22
Date



Permit No. _____

Date: _____

DRIVEWAY AND PARKING SPACE PERMIT \$55 fee – Please attach Survey / Illustration

ADDRESS OF PROPERTY: 20 Gateway Drive

OWNER: Joan A. Mariace Name Mariace20@yahoo E-mail Address

20 Gateway Drive Street Address 585-344-1536 Phone

Batavia City N.Y. State 14020 Zip

CONTRACTOR: _____ Name _____ E-mail Address _____

_____ Street Address _____ Phone _____

_____ City _____ State _____ Zip _____

_____ Owner/Contractor's Signature _____ Date _____

DIMENSIONS OF EXISTING DRIVEWAY: Width 21' Length 34'

DIMENSIONS OF NEW DRIVEWAY / ADDITION: Width 8' Length 34'

SURFACE MATERIAL: Existing asphalt Proposed asphalt

To be filled out by Zoning Enforcement Officer

TAX PARCEL: _____ ZONING DISTRICT: _____ SURVEY: _____

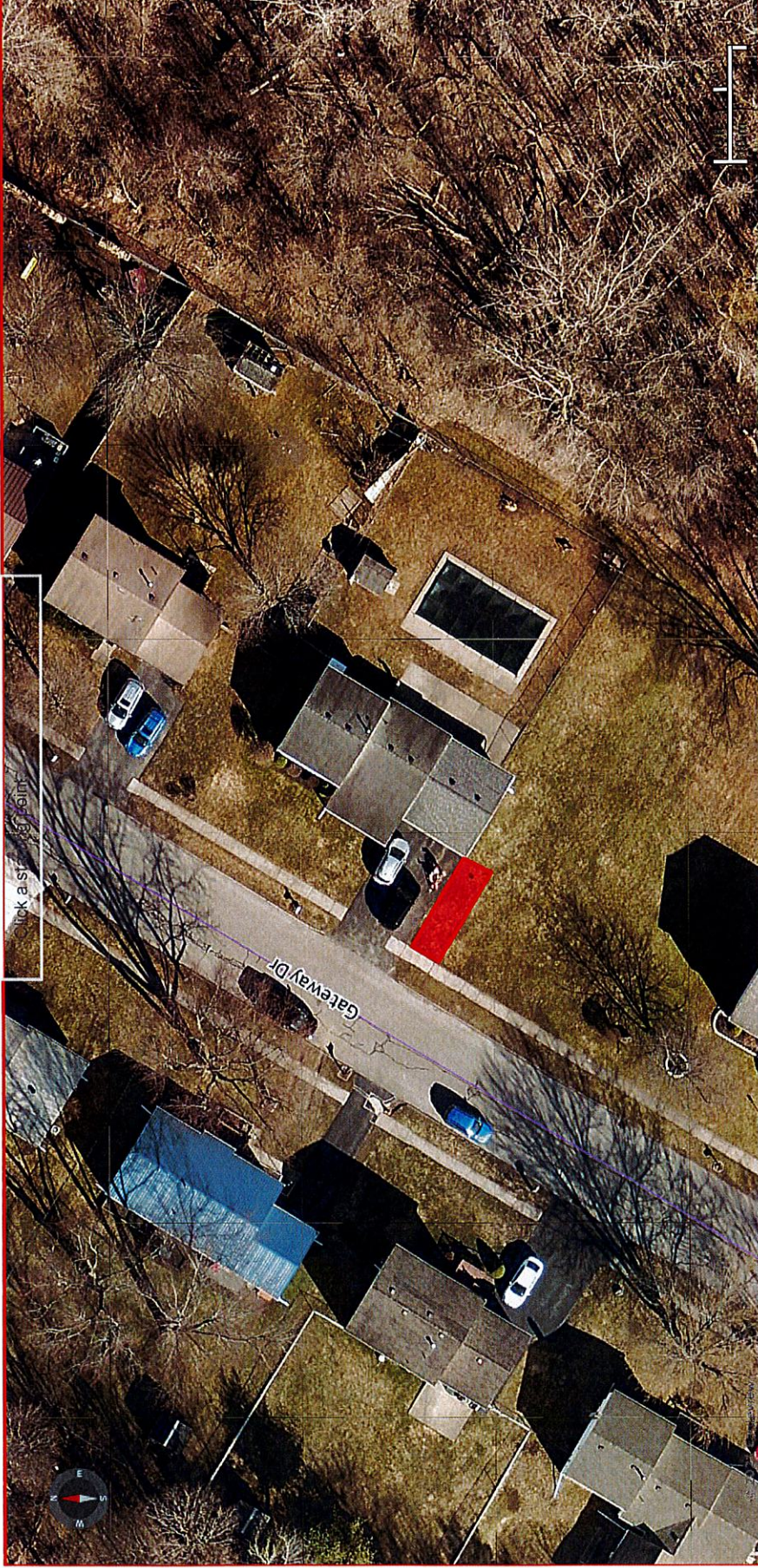
DIMENSIONS OF LOT: Lot Frontage _____ Front Yard _____

PERCENTAGE OF LOT FRONTAGE: _____ SURFACE MATERIAL: _____

APPROVED: _____ AREA VARIANCE: _____ GRADE PLAN: _____

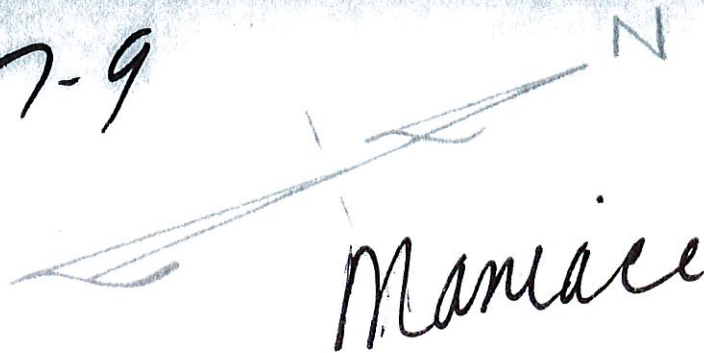
ISSUING OFFICER: _____ DATE: _____

CONNECTEXPLORER™



map: Auto (Ortho) Dates: All image 1 of 76 03/20/2021

962437-9



GATEWAY

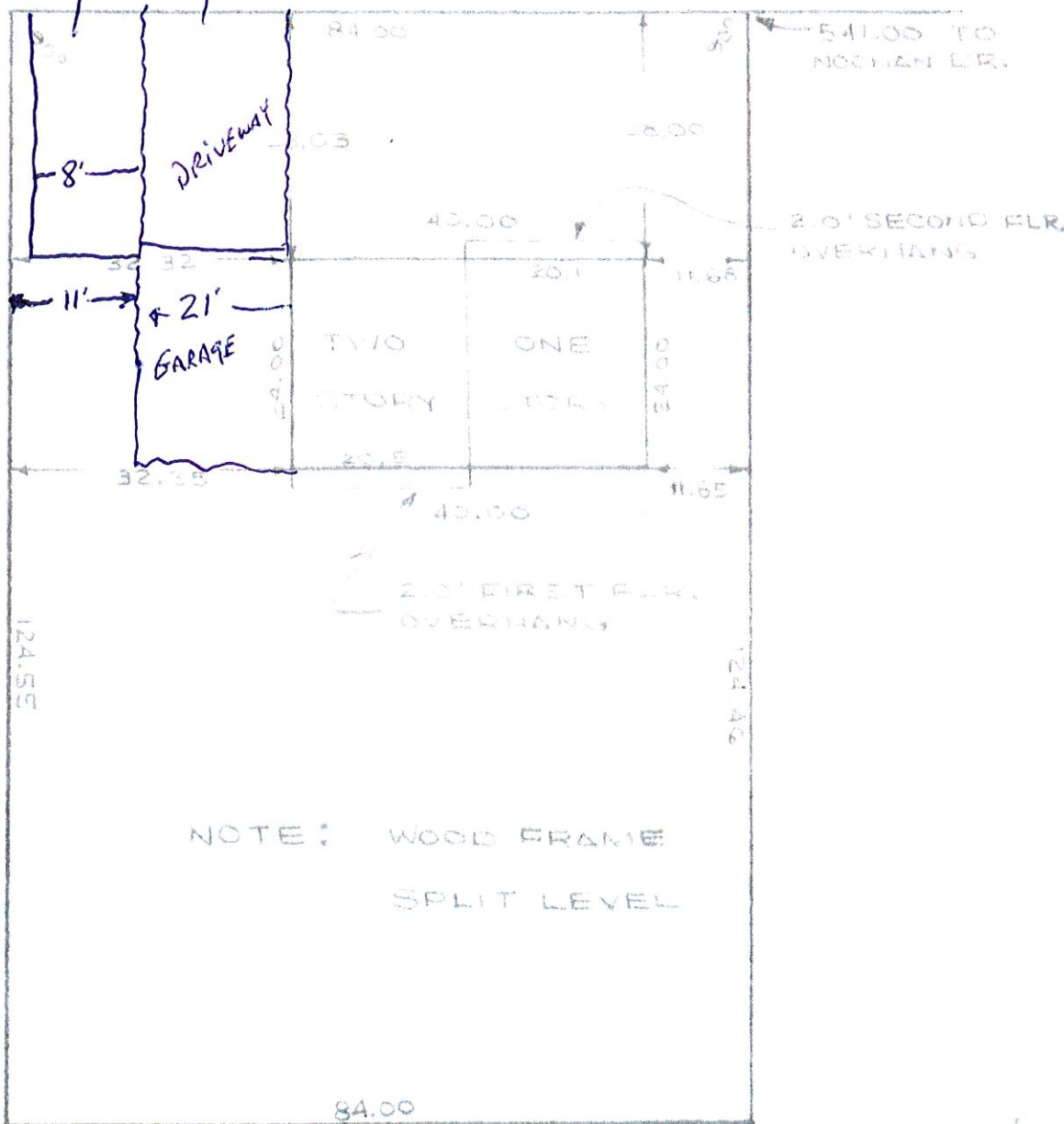
(50' WIDE)

PROPOSED

EXISTING

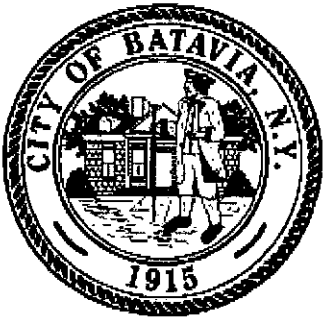
VACANT LOT

50' RESERVED FOR STREET



NOTE: WOOD FRAME
SPLIT LEVEL

SUB. LOT 31
GATEWAY ACRES SUBDIVISION NO. 1



City of Batavia
Department of Public Works
Bureau of Inspections

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

To: Planning and Development Committee
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 9/7/22

Re: 113 Bank St.
Tax Parcel No. 84.041-1-14

Zoning Use District: R-2

The applicant, Michael Lullo (agent for the owner), is requesting approval to permit the continuation of two unapproved dwelling units within this multiple dwelling building.

This property is classified as a legal nonconforming use three family dwelling located within the R-2 zoning use district. A Certificate of Occupancy was issued on December 5, 1950 permitting the use of three family dwelling.

Sometime after 12/5/50, the interior spaces of the building were altered to increase the number of dwelling units from three to five.

Review and Approval Procedures:

City Planning and Development Committee- Pursuant to section 190-49 C applications for variances that include non-permitted uses or the extension thereof shall be referred to the City PDC for recommendation prior to submittal to the ZBA.

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

- 1) **BMC 190-36 A(1)** Non-conforming uses shall not be enlarged, altered or changed in area, activity or contents during its continuance.
- 2) **BMC 190-36 D(1)** Non-conforming uses may not be extended. Extensions include an increase in any item that will result in larger parking requirements per 190-39 [BMC 190-39 A(2)(b), 1.5 spaces per dwelling unit is required].
- 3) **BMC 190-36 C(2)** Any portion of a structure that is non-conforming shall not be renovated or structurally altered for a nonconforming use.
- 4) **BMC 190-9 A** Multiple dwellings (three or more dwelling units) are not permitted principal uses within the R-2 residential use district.

The Zoning Board of Appeals will be the lead agency to conduct SEQ. R.



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

PAID
AUG 30 2022

CITY OF BATAVIA
CLERK-TREASURER

Application No.: 22-9
Hearing Date/Time: _____

APPLICANT: MICHAEL LULLO - MARATHON REALTY MARATHON@REALTOR.COM
Name 3D CENTER ST E-Mail Address 585-343-8609 585-343-4322
Street Address BATAVIA Phone NY Fax 14020
City State Zip

STATUS: ___ Owner Agent for Owner ___ Contractor

OWNER: HACIENDA MANAGEMENT GROUP, INC
Name P O BOX 48 E-Mail Address _____
Street Address MEDINA Phone _____ Fax 14023
City State Zip

LOCATION OF PROPERTY: 113 BANK ST BATAVIA NY

DETAILED DESCRIPTION OF REQUEST: CONTINUE USE AS A 5 UNIT RESIDENTIAL RENTAL WITH DETACHED GARAGE

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.

Michael R Lullo, AGENT FOR 8/1/2022
Applicant's Signature Date
HACIENDA MANAGEMENT GROUP, INC 8/1/2022
Owner's Signature Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.041-1-14 ZONING DISTRICT: R-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 190-9 R-2 use district does not include multi-family as permitted use. BMC 190-36 A(1) Non conforming use may not be enlarged, altered or changed in area, activity, or content during its continuance., 190-36 D(1), 190-36 C(2).

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

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

Comparative analysis of the actual and pro forma income/expense data of the subject property as a 3 unit vs a 5 unit results in the following conclusions:

- Gross rental income drops from 38,640 to \$24,720
- Expenses stay relatively even
- Net operating income drops from \$36,708 to \$23,484
- Profit drops from \$15,205 to \$5,435
- Estimated market value drops from \$139,500 to \$83,750
- Rate of Return drops from 10.8% to 6.5%

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

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

Construction and floorplan layout does not contribute to the feasibility of providing smaller, more cost efficient residential units which are more in demand in the current market environment.

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

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

Granting the variance will not material effect the existing population density of the immediate neighborhood nor increase vehicle or pedestrian traffic compare to current levels. Numerous multifamily dwellings are in the immediate neighborhood and no increase traffic would result above current levels.

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

“The alleged hardship has not been self-created”

With the historical reduction in family size together with the development of numerous subsidized housing projects, the marketplace has demanded smaller, more cost efficient residential rental units.

Subsidized housing projects that compete for tenants built since present ownership date

Liberty Square
DePaul Housing
Jerome Senior Apartments
Msgr Kirby Apartments
Tonawanda Terrace Apartments
Genesee Park Place Park Road

Subsidized housing projects that compete for tenants built prior to present ownership date

Birchwood Village
Washington Towers
400 Towers

Other competing properties

Manor House
Batavia Meadows West Main St
Big Tree Glen West Main Rd
Woodstock Gardens
Walden Estates
Woodside Meadows
Batavia Gardens
North Spruce Apartments
Park Site Manor Apartments

Additional Comments

Creating an increased number of and accessibility to affordable housing units has been a popular topic for media and politicians for years. Private property owners of small multifamily structures have not benefited from government supported (funded) projects-They literally have had to access their own income sources or savings to pay for repairs, maintenance or upgrades to make their properties to remain financially viable in today's challenging economic climate – A very difficult task at best. Downscaling the size and footprint of residential units into smaller, more efficient and affordable units is the only viable alternative to older and obsolete housing stock.

Michael R. Lullo

Applicant's Signature

8/1/2022

Date

MARATHON REALTY

Provider of Financial Evidence

8/1/2022

Date

USE VARIANCE

Statement of Income and Expense

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

PROPERTY ADDRESS: 113 BANK ST BATAVIA NY

A. PROPERTY DATA

- 1. Date property was purchased by current owner 3/26/2002
- 2. Was a Certificate of Occupancy issued? YES
 Date of Issuance? 12/5/1950
 If so, for what use(s)? CONVERT FROM 1 FAMILY TO 3 FAMILY DWELLING
 If not, why? _____
- 3. Cost of Purchase \$92,500
- 4. a) Amount of Mortgage — Interest Rate _____
 Mortgage Holder _____ Duration _____
 Address _____
- b) Amount of Mortgage — Interest Rate _____
 Mortgage Holder _____ Duration _____
 Address _____
- c) Amount of Mortgage — Interest Rate _____
 Mortgage Holder _____ Duration _____
 Address _____
- 5. Is the property for sale? UNDER CONTRACT OF SALE
 If so, for how long asking price \$510,000 w/ 117 BANK
 for what use(s) 5 UNIT RESIDENTIAL RENTAL
 Have any offers been received _____
 If so, for what amount(s) WITH 117 BANK ST @ 366,000
\$366,000 COMBINED
 Summarize any attempts to sell the property LISTED BY APPLICANT VIA MLS
NUMEROUS SHOWINGS; NEGOTIATED CONTRACT
- 6. Present value of property \$366,000 COMBINED w/ 117 BANK
 Source(s) FAIR MARKET SALE

		B. GROSS ANNUAL INCOME [BASED ON PERMITTED USE(S)]		ACTUAL (AS 5 UNIT)	PROFORMA (AS 3 UNIT)
USE	RENT				
1. APT 1 (1A)	685		8220	8220	
2. APT 2 (1B)	690		8280	8280	
3. APT 3 (1C)	460		5520	—	
4. APT 4 (2A)	700		8400	—	
5. APT 5 (2B)	685		8220	8220	
6.					
7.					
8.					
9.					
10.					
TOTAL RENTAL INCOME			38,640	24,720	
LESS VACANCY FACTOR			1,932	1,236	
(Attach explanation if greater than 8%)					
TOTAL GROSS INCOME			36,708	23,484	

C. ANNUAL EXPENSES

1. Annual Fixed Charges				
Real Estate Taxes (City & County)		4286	4286	
Insurance		1680	1680	
Average Annual Interest (over next 5 years)		0	0	
2. Operating Expenses				
Electric + UTILITIES		3264	3264	
Fuel + TRASH		430	430	
Water + SEWER		2326	2326	
Advertising + MANAGEMENT		4845	2907	
Miscellaneous (attach explanation)				
3. Maintenance Expenses (attach list)				
Repairs + 10% RENTS		3864	2472	
(General Building Maintenance)				
Yard and Ground Care + SNOW		808	808	
Miscellaneous				
TOTAL ANNUAL EXPENSES		21,503	18,173	
Profit or Loss		15,205	5,311	

↑
ACTUAL
AS 5 UNIT

↑
PROFORMA
AS 3 UNIT

AS 5 UNIT

AS 3 UNIT

D. TOTAL INVESTMENT

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

TOTAL INVESTMENT (Sum of D1, D2, & D3)	<u>152,500</u>	<u>152,500</u>
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E. RATE OF RETURN = Profit or Loss

TOTAL INVESTMENT	<u>152,005</u>	<u>5311</u>
	<u>9.97%</u>	<u>3.48%</u>

Michael R Fullo
Signature of Preparer

8/1/2022
Date

REAL ESTATE CONSULTANT
Profession of Preparer

CITY OF BATAVIA, N. Y.

Zoning Commission

CERTIFICATE OF OCCUPANCY

No. 49A 576

Dec. 5, 1953

Issued Dec. 22, 1953 To L. Smoller of

Premises 113 Broad St. Original Permit No. 2802

In accordance with Section 23 of the Zoning Ordinance, City of Batavia, N. Y.

THIS CERTIFIES that the ALTERED BUILDING situated on the above mentioned premises has been completed and conforms substantially to the approved plans and specifications and to the requirements of the Zoning Ordinance, and PERMISSION is hereby granted for its occupancy for the purposes specified below:

STORIES	CLASSIFICATION	CONSTRUCTION
FLOORS	OCCUPANCY	
Sub-Cellar	<u>Converted 1 to 3 family</u>	
Cellar		
Basement	<u>N. J. Lee</u>	
First Floor		

DAVID S. LAMENDOLA
 Licensed Land Surveyor
 206 East Main Street
 Batavia, New York 14020
 Phone (716) 344-1331
 Fax (716) 343-2691

R/O JACKETT, GARY
 & ANNA MARIE
 LIBER 658, PAGE 38

R/O CAPWELL, THOMAS J.
 LIBER 531, PAGE 66

R/O SHEA, RICHARD H.
 & WAYNE E.
 LIBER 470, PAGE 399

R/O FORREY, REX J. JR.
 & NEVA M.
 LIBER 610, PAGE 312

UNAUTHORIZED REVISION OR ADDITION TO A SURVEY OR PLANNING DOCUMENT IS PROHIBITED. THE SURVEYOR'S SEAL IS A VALIDATION OF SECTION 5716, SUBSECTION 2 OF THE NEW YORK STATE CONSENT FROM THE ORIGINAL OF THE LAND SURVEYOR'S PROFESSIONAL SEAL. ANY REVISIONS TO THE ORIGINAL OF THE LAND SURVEYOR'S PROFESSIONAL SEAL MUST BE COMPLETED BY THE SURVEYOR. CERTIFICATIONS INDICATED HEREIN SHOW THAT THIS SURVEY WAS PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 5716, SUBSECTION 2 OF THE NEW YORK STATE CONSENT FROM THE ORIGINAL OF THE LAND SURVEYOR'S PROFESSIONAL SEAL. AND IN NEW YORK STATE TO THE STATE ENGINEER, LAND SURVEYING DIVISION, AND IN THE COUNTY OF WASHINGTON, NEW YORK TO THE COUNTY ENGINEER, LAND SURVEYING DIVISION. THE SURVEYOR'S PROFESSIONAL SEAL IS A VALIDATION OF SECTION 5716, SUBSECTION 2 OF THE NEW YORK STATE CONSENT FROM THE ORIGINAL OF THE LAND SURVEYOR'S PROFESSIONAL SEAL.

PARCEL SURVEYED
 CONTAINING 0.568 +/- ACRES
 LIBER 717, PAGE 280

R/O BURNS, MATTHEW B.
 & CATHY A.
 LIBER 628, PAGE 117

R/O HACIENDA ENTERPRISES, INC.
 LIBER 415, PAGE 787

REFERENCES:
 SURVEY MAP NO. 86-80 by DAVID S. LAMENDOLA
 L.S. DATED JULY 14, 1986.
 SURVEY MAP NO. 88-323 by DAVID S. LAMENDOLA
 L.S. DATED DECEMBER 02, 1988.
 RIGHT OF WAY TO NATIONAL FUEL GAS DISTRIBUTION
 CORP., AT LIBER 505, PAGE 261.

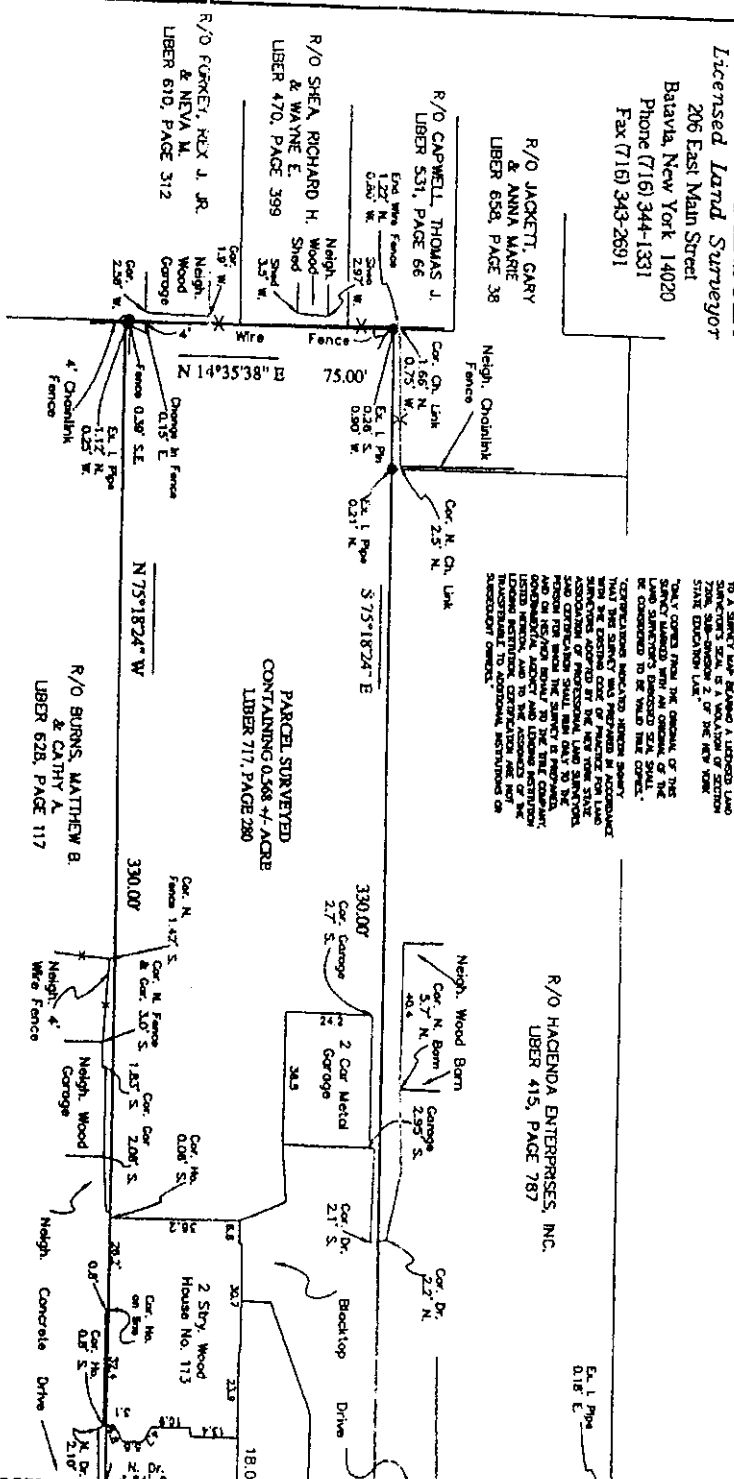
BOUNDARY SURVEY SHOWING THE PARCEL TO BE CONVEYED
 BEING PART OF ORIGINAL VILLAGE LOT NO. 24, SITUATE
 IN THE CITY OF BATAVIA, COUNTY OF GENESEE AND STATE
 OF NEW YORK.
 JANUARY 18, 2002
 JOB NO. 02 - 09
 SCALE 1" = 40'

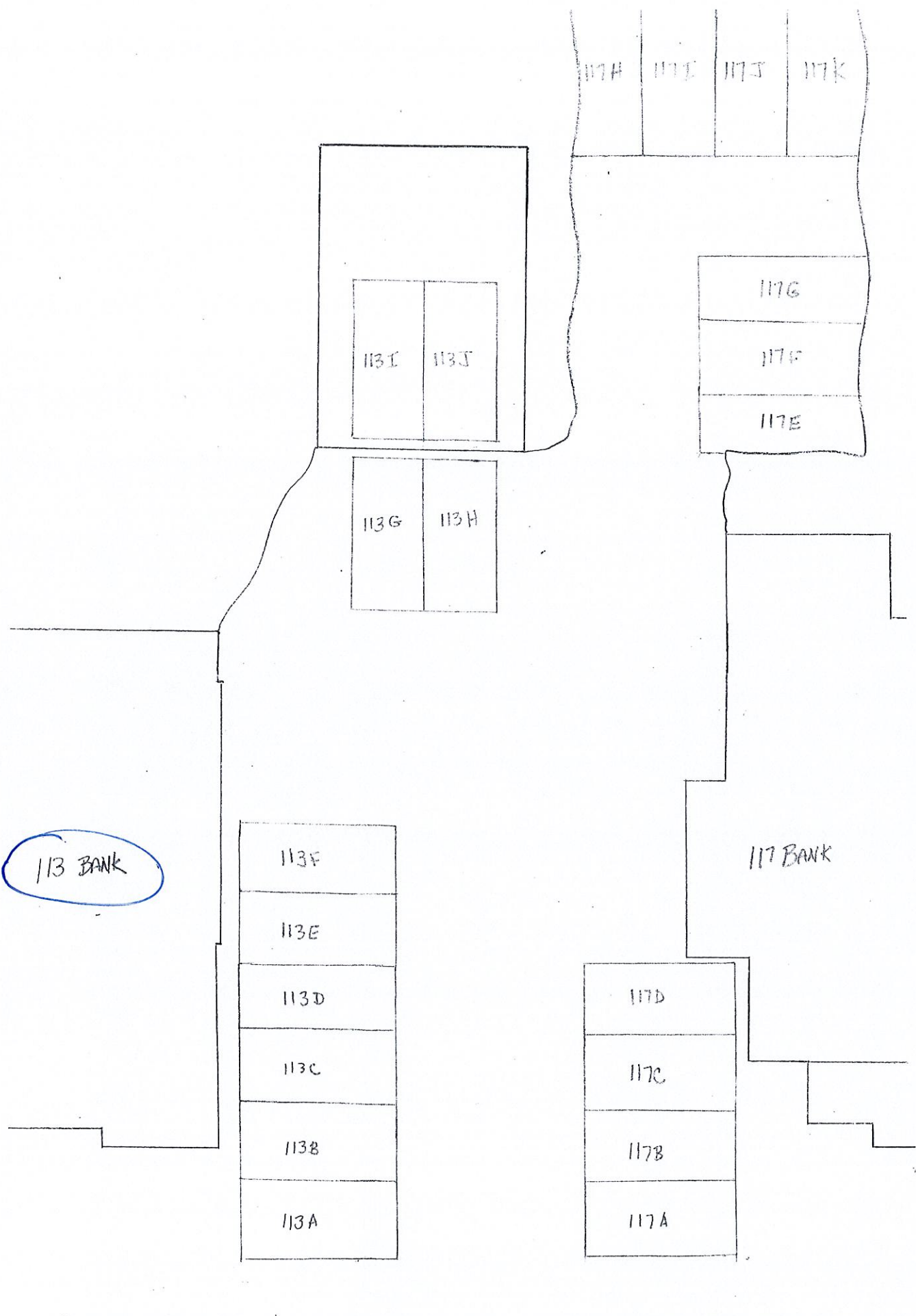
Jan 25, 2002
 David S. Lamendola
 DATE
 N.Y.S.R.L.S. NO. 48613

379.93' TO NORTH
 STREET LINE
 WASHINGTON AVENUE

BANK STREET (49.5' R.O.W.)

LEGEND
 ▲ SET PK NAIL
 ○ SET I. PIN
 ● EX. I. STAKE

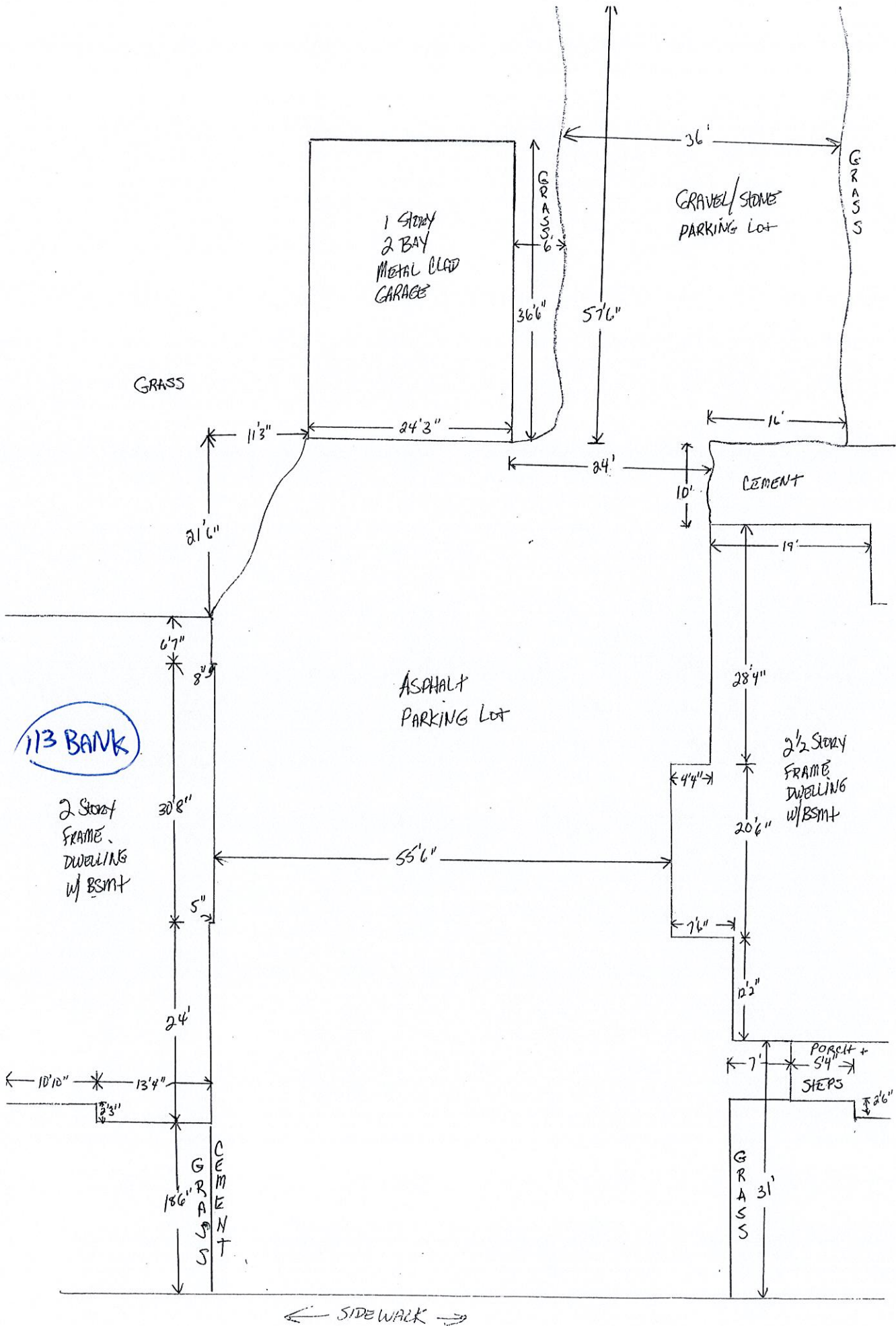


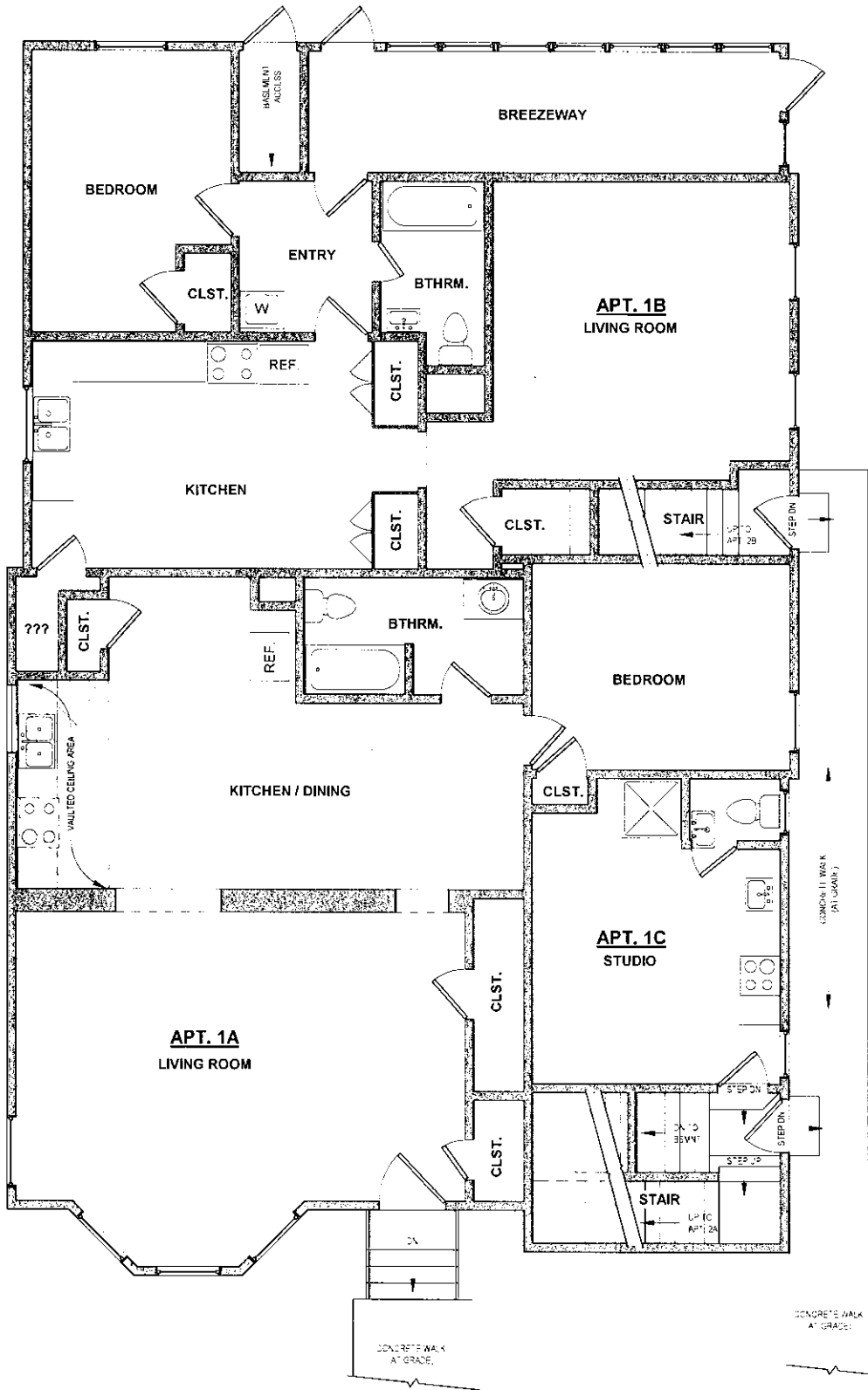


113 BANK

117 BANK

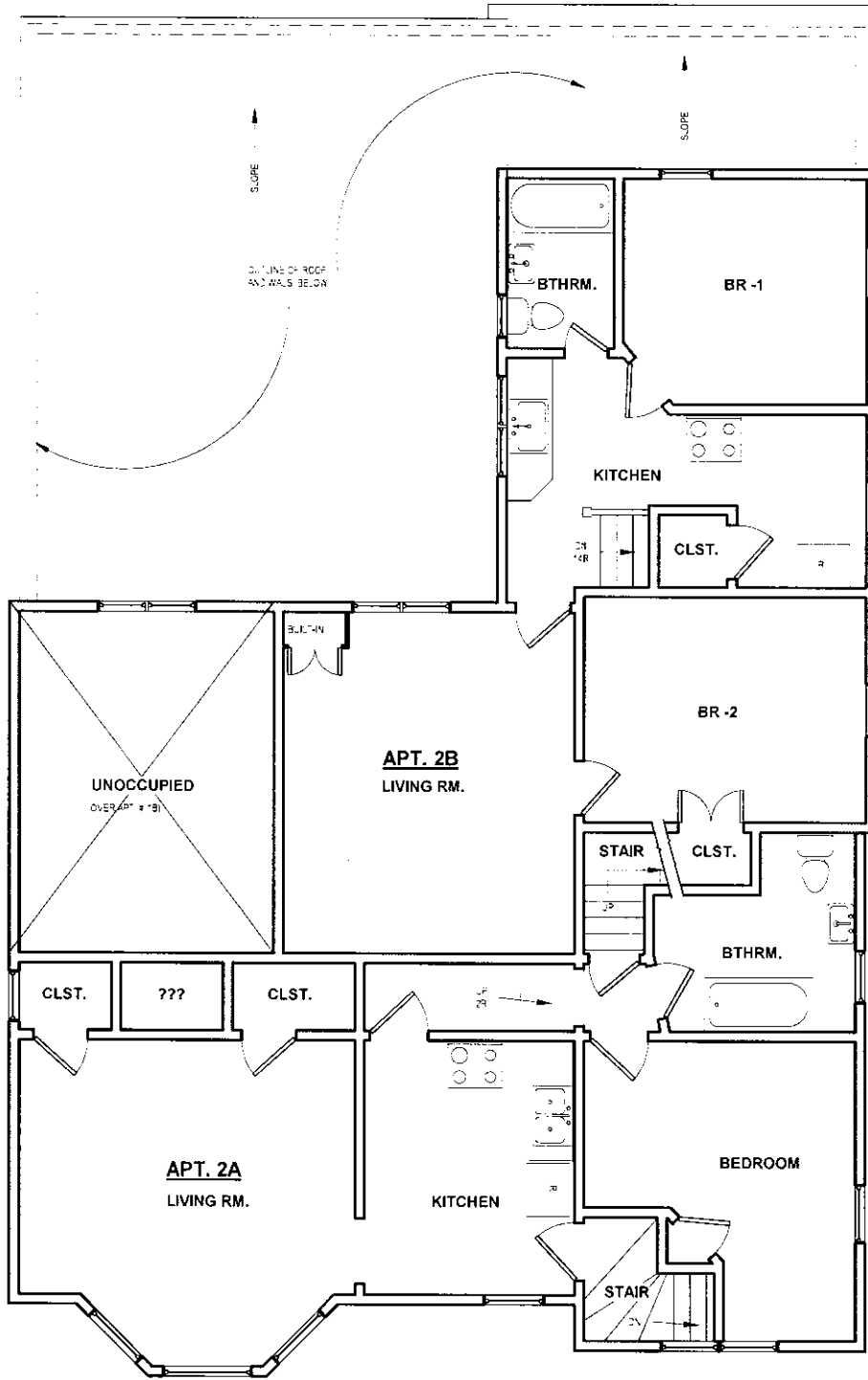
← SIDEWALK →





1 FIRST FLOOR PLAN
 3/16" = 1'-0"

113 BANK STREET

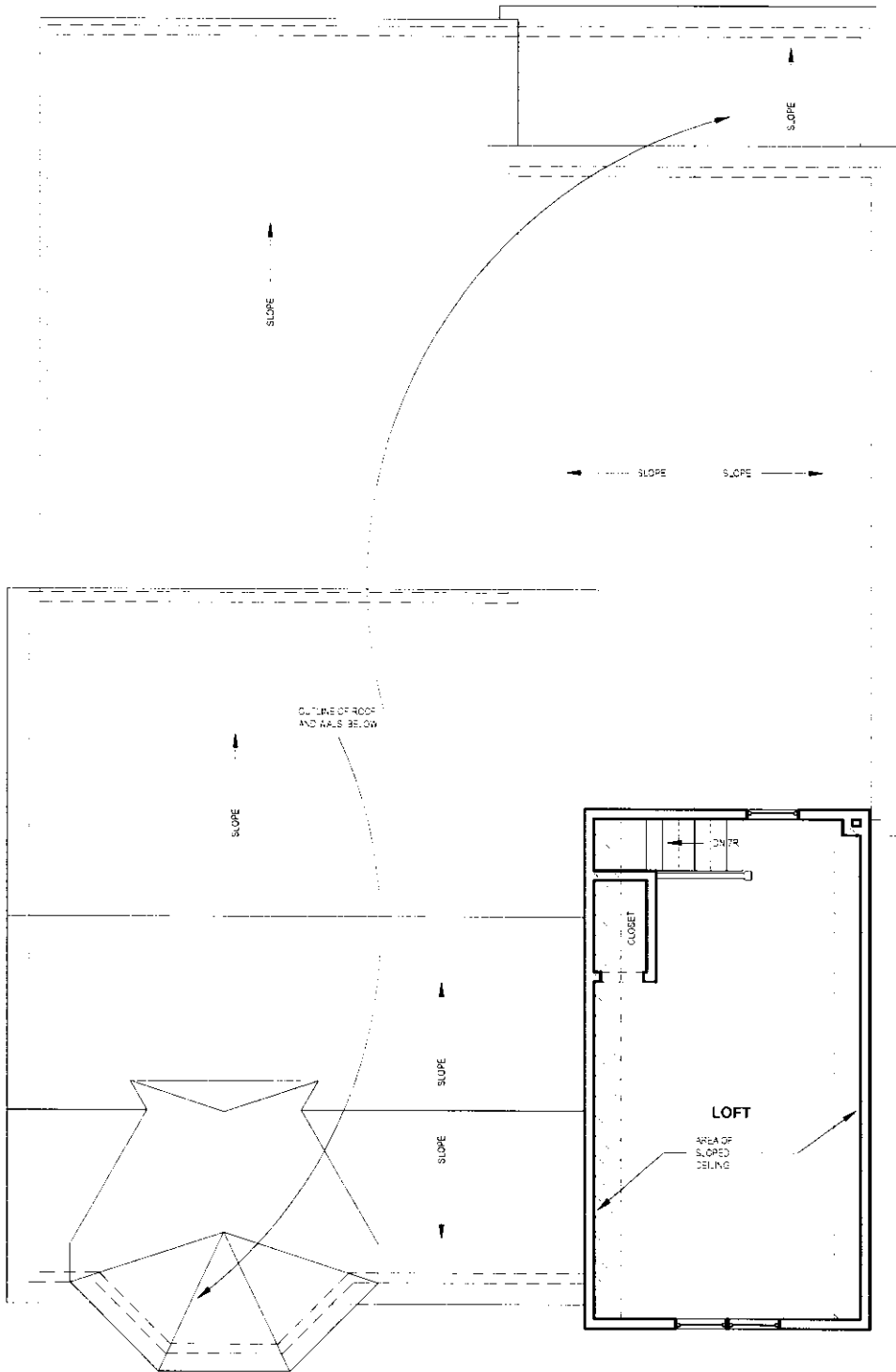


1

SECOND FLOOR PLAN

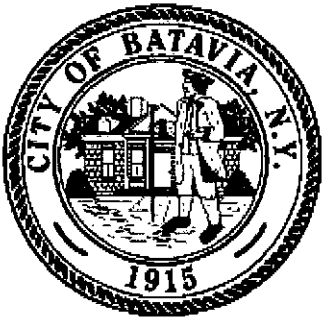
3/16" = 1'-0"

113 BANK STREET



1 THIRD FLOOR PLAN
 3/16" = 1'-0"

113 BANK STREET



City of Batavia
Department of Public Works
Bureau of Inspections

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

To: Planning and Development Committee
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 9/7/22

Re: 117 Bank St.
Tax Parcel No. 84.041-1-13

Zoning Use District: R-2

The applicant, Michael Lullo (agent for the owner), is requesting approval to permit the continuation of two unapproved dwelling units within this multiple dwelling building.

This property is classified as a legal nonconforming use five family dwelling located within the R-2 zoning use district. A Certificate of Occupancy was issued on April 4, 1972 permitting the use of five family dwelling.

On 5/15/02 Irene Cichocki, President of Hacienda Management Group Inc., filed an application with the ZBA for a use variance that would permit the expansion from five dwelling units to six. The use variance was denied by the ZBA on 8/22/02.

Sometime after 4/4/72, the interior spaces of the building were altered to increase the number of dwelling units from five to seven.

Review and Approval Procedures:

City Planning and Development Committee- Pursuant to section 190-49 C applications for variances that include non-permitted uses or the extension thereof shall be referred to the City PDC for recommendation prior to submittal to the ZBA.

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

- 1) **BMC 190-36 A(1)** Non-conforming uses shall not be enlarged, altered or changed in area, activity or contents during its continuance.
- 2) **BMC 190-36 D(1)** Non-conforming uses may not be extended. Extensions include an increase in any item that will result in larger parking requirements per 190-39 [BMC 190-39 A(2)(b), 1.5 spaces per dwelling unit is required].
- 3) **BMC 190-36 C(2)** Any portion of a structure that is non-conforming shall not be renovated or structurally altered for a nonconforming use.
- 4) **BMC 190-9 A** Multiple dwellings (three or more dwelling units) are not permitted principal uses within the R-2 residential use district.

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



PAID
CITY OF BATAVIA
 APPLICATION TO THE ZONING BOARD OF APPEALS
 AUG 30 2022

CITY OF BATAVIA
 CLERK-TREASURER

Application No.: 22-8
 Hearing Date/Time: _____

APPLICANT: MICHAEL LULLO - MARATHON REALTY MARATHONREALTOR.COM
 Name _____ E-Mail Address _____
30 CENTER ST 585-343-8609 585-343-4322
 Street Address _____ Phone _____ Fax _____
BATAVIA NY 14020
 City _____ State _____ Zip _____

STATUS: ___ Owner Agent for Owner ___ Contractor

OWNER: HACIENDA ENTERPRISES, INC
 Name _____ E-Mail Address _____
PO BOX 48 _____
 Street Address _____ Phone _____ Fax _____
MEDINA NY 14103
 City _____ State _____ Zip _____

LOCATION OF PROPERTY: 117 BANK ST BATAVIA, NY

DETAILED DESCRIPTION OF REQUEST: CONTINUE USE AS A 7 UNIT RESIDENTIAL RENTAL

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.

Michael R Lullo, AGENT FOR 8/1/2022
 Applicant's Signature _____ Date _____
HACIENDA ENTERPRISES, INC. 8/1/2022
 Owner's Signature _____ Date _____

To be Filled out by Zoning Officer

TAX PARCEL: 84.041-1-13 **ZONING DISTRICT:** R-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 190-36 A(1), 190-36 D(1), 190-36 C(2), 190-9A.

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

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

Comparative analysis of the actual and pro forma income/expense data of the subject property as a 5 unit vs a 7 unit results in the following conclusions:

- Gross rental income drops from \$58,200 to \$41,980
- Expenses stay relatively even
- Net operating income drops from \$44,326 to \$31,905
- Profit drops from \$15,205 to \$5,435
- Estimated market value drops from \$195,00 to \$139,500
- Rate of Return drops from 9.4% to 5.3%

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

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

Construction and floorplan layout does not contribute to the feasibility of providing smaller, more cost efficient residential units which are more in demand in the current market environment.

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

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

The granting of the variance will not materially effect the existing population density of the immediate neighborhood nor increase vehicle or pedestrian traffic compare to current levels. Numerous multifamily dwellings are in the immediate neighborhood and no increase traffic would result above current levels.

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

"The alleged hardship has not been self-created"

With the historical reduction in family size together with the development of numerous government subsidized and non-subsidized housing projects, the marketplace has demanded smaller, more cost efficient residential rental units.

Subsidized housing projects that compete for tenants built since present ownership date

Liberty Square
DePaul Housing
Jerome Senior Apartments
Msgr Kirby Apartments
Tonawanda Terrace Apartments
Genesee Park Place Park Road
Washington Towers

Subsidized housing projects that compete for tenants built prior to present ownership date

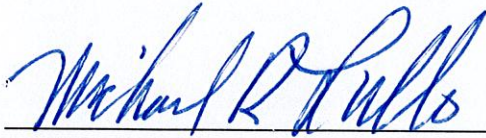
Birchwood Village
400 Towers

Other competing properties

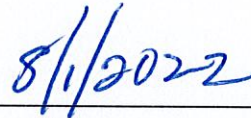
Manor house
Batavia Meadows West Main St
Big Tree Glen West Main Rd
Woodstock Gardens
Walden Estates
Woodside Meadows
Batavia Gardens
North Spruce Apartments
Park Site Manor Apartments

Additional Comments

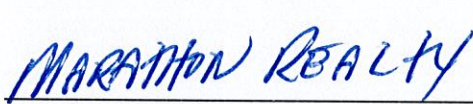
Creating an increased number of and accessibility to affordable housing units has been a popular topic for media and politicians for years. Private property owners of small multifamily structures have not benefited from government supported (funded) projects-They literally have had to access their own income sources or savings to pay for repairs, maintenance or upgrades to make their properties to remain financially viable in today's challenging economic climate – A very difficult task at best. Downscaling the size and footprint of residential units into smaller, more efficient and affordable units is the only viable alternative to older and obsolete housing stock.



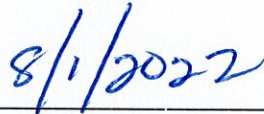
Applicant's Signature



Date



Provider of Financial Evidence



Date

USE VARIANCE

Statement of Income and Expense

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

PROPERTY ADDRESS: 117 BANK ST BATAVIA NY

A. PROPERTY DATA

1. Date property was purchased by current owner 8/3/1971
2. Was a Certificate of Occupancy issued? YES
Date of Issuance? 4/4/1972
If so, for what use(s)? 5 UNIT APARTMENT BUILDING
If not, why? _____
3. Cost of Purchase \$ 39,000
4. a) Amount of Mortgage — Interest Rate _____
Mortgage Holder _____ Duration _____
Address _____
b) Amount of Mortgage — Interest Rate _____
Mortgage Holder _____ Duration _____
Address _____
c) Amount of Mortgage — Interest Rate _____
Mortgage Holder _____ Duration _____
Address _____
5. Is the property for sale? UNDER CONTRACT OF SALE
If so, for how long asking price \$510,000 w/ 113 BANK
for what use(s) 7 UNIT RESIDENTIAL RENTAL
Have any offers been received WITH 113 BANK ST
If so, for what amount(s) \$366,000 COMBINED

Summarize any attempts to sell the property LISTED BY APPLICANT VIA MLS
NUMEROUS SHOWINGS; NEGOTIATED CONTRACT
6. Present value of property \$366,000 COMBINED w/ 113 BANK
Source(s) FAIR MARKET SALE

USE	INCOME	ACTUAL	PRO FORMA
		AS 7 UNIT	AS 5 UNIT
1. APT 1 (1A)		9600	—
2. APT 2 (1B)		8400	8400
3. APT 3 (1C)		8400	8400
4. APT 4 (2A)		8400	8400
5. APT 5 (2B)		8580	8580
6. APT 6 (3A)		6600	—
7. APT 7 (3B)		8220	8220
8.			
9.			
10.			
TOTAL RENTAL INCOME		58,200	41,980
LESS VACANCY FACTOR (23.4%) (Attach explanation if greater than 8%) (2021 ACTUAL)		13,874	10,075
TOTAL GROSS INCOME		44,326	31,905

C. ANNUAL EXPENSES

1. Annual Fixed Charges			
Real Estate Taxes (City & County)		5438	5438
Insurance		2351	2351
Average Annual Interest (over next 5 years)		0	0
2. Operating Expenses			
Electric. + UTILITIES		4716	4716
Fuel. + TRASH		430	430
Water. + SEWER		3393	3393
Advertising. MANAGEMENT		4478	3199
Miscellaneous (attach explanation)			
3. Maintenance Expenses (attach list)			
Repairs..... 10% RENTS		5820	4198
General Building Maintenance			
Yard and Ground Care. SNOW		808	808
Miscellaneous			
TOTAL ANNUAL EXPENSES		27,434	24,533
Profit or Loss		16,892	7372
		↑	↑
		ACTUAL	PRO FORMA
		AS 7 UNIT	AS 5 UNIT

D. TOTAL INVESTMENT

ACTUAL
AS
7 UNIT

PRO FORMA
AS
5 UNIT

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

TOTAL INVESTMENT (Sum of D1, D2, & D3) 213,500

213,500

E. RATE OF RETURN = Profit or Loss

16,892

7372

TOTAL INVESTMENT 7.91%

3.45%

Michael R Fullo

8/1/2022

Signature of Preparer

Date

REAL ESTATE CONSULTANT

Profession of Preparer

Inspection Department

April 4, 1972

CERTIFICATE OF OCCUPANCY

No. 778

This certifies that the building located at
117 Bank Street, Batavia, New York
conforms substantially to the approved plans
for which BUILDING PERMIT NO. 2528 was
issued November 4, 1971, and
conforms to all of the requirements of appli-
cable provisions of the law.

The occupancy for which this certificate is
issued is five (5) apartment dwelling

This certificate is issued to _____

Hacienda Enterprises, Inc.

(Owner, Agent, Etc.)

of said premises. This certificate is not to
be deemed a certification of the location of
property boundary lines.

Clarence J. Klinkbeil
Building Inspector

CJK:jm

ZONING BOARD OF APPEALS

City of Batavia

August 22, 2002

7:00 P.M.

City Council/Conference Room at City Hall

Members Present: Holley Forden, David Post, William Young, Richard Starowitz, Frank Bellucci, Ann McCulloch and Barbara Pierce.

Members Absent: None

Others Present: Irene Cichock and daughter Lisa, Shirley & Ross Fanara, Barbara & Robert Scott, James Ficarella, Daniel Snyder, Christopher Holman and Michael P. Smith, Zoning Officer.

Meeting called to order at 7:00 PM by Chairperson William Young.

1. Approval of Minutes - July 25, 2002.

Motion by Barbara Pierce to approve the minutes as submitted.

Motion to second by Dave Post.

All in favor, Motion carried.

2. Address: **117 Bank Street** (Tabled from June & July 2002 Meetings)
Applicant(s): **Irene Cichocki of Hacienda Enterprises, Inc., Owner**
Action(s): **Use Variance - Proposed Expansion**

Ms. Cichocki and daughter Lisa were present and reviewed their proposal with Board Members, indicating that the site plan had been revised. This matter was tabled by the City Planning Board at their June 19, 2002 meeting. In addition, at the July 17, 2002 of the City Planning Board no action was taken due to a lack of a quorum.

At the August 21, 2002 City Planning Board meeting, Board Member Dennis Dwyer made a motion to recommend denial to the Zoning Board of Appeals because of inadequate space for parking and traffic maneuverability. The motion was approved by a vote of 6-1.

Motion by David Post that the action of the Zoning Officer and the recommendation from the City Planning and Development Committee be upheld and deny the Use Variance to create an additional apartment in accordance with the City of Batavia Zoning Ordinance, Article X, Section 190-49, Part F, second by Holley Forden.

All in favor. Motion carried.



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 02-13

Hearing Date/Time: 6/27/02

APPLICANT: Hacienda Mgmt. Group, Inc. Irene Cichocki
 Name POB 48 E-Mail Address (585) 343-5896
 Street Address medina Phone N.Y. Fax 14103
 City medina State N.Y. Zip 14103

STATUS: Owner Agent for Owner Contractor

OWNER: Hacienda Mgmt. Group, Inc. Irene Cichocki
 Name POB 48 E-Mail Address (585) 343-5896
 Street Address medina Phone N.Y. Fax 14103
 City medina State N.Y. Zip 14103

LOCATION OF PROPERTY: 117 Bank ST. Batavia, N.Y.

DETAILED DESCRIPTION OF REQUEST: Convert large 2nd Floor Apt. into 2 normal sized Apts. (one Bdrm each) by installing a kitchen and a bathroom.

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.

Irene B. Cichocki Pres. 5/15/02
 Applicant's Signature Date

Irene B. Cichocki Pres. 5/15/02
 Owner's Signature Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.41-1-13 ZONING DISTRICT: R-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: ARTICLE III SECTION 190-9

**CITY OF BATAVIA
BUREAU OF INSPECTION**

Date: June 20, 2002

To: Zoning Board of Appeals

From: Michael P. Smith, Code Enforcement / Zoning Officer

Re: 117 Bank Street
Tax Parcel # 84.058-1-32

The property owner of this existing multiple residence desires to create an additional apartment on the second floor. The present layout of this three (3) story structure consist of five (5) apartments, three (3) on the first floor, one (1) on the second floor and two (2) on the third floor.

This property is located within the R-2 Residential. To facilitate the construction of this additional apartment a **Use Variance is required**. As per the City of Batavia Zoning Ordinance, Article III, Section 190-9, Schedule 1, large scale multi-family developments are not listed as a permitted principal use. The proposed creation of this sixth apartment would change the classification of this property to a large scale multi-family development.

Procedure:

- ✓ **City Planning Board** will conduct a Site Plan Review.
At their 6/19/02 meeting, the Board tabled the matter, requesting additional information.
- ✓ **City Zoning Board of Appeals** will be Lead Agency for SEQRA.
- ✓ **City Zoning Board of Appeals** will review and act on the Use Variance.

Recommendation:

Disapproval.

Although, the applicant proposes to provide the required nine (9) parking spaces (1 ½ per dwelling unit), vehicle maneuvering within the parking area is a concern. In addition, the New State Building Code requires the parking of motor vehicles to be a minimum of ten (10) feet from a wood frame (combustible) wall. The present parking layout along the south wall of this apartment building is a concern.

Proposal is directly contrary to the recently completed City Master Plan. The Master Plan focused on the need to limit multi-family developments and protect the established residential neighborhoods.

DENIED

Planning & Development Committee Letter
City of Batavia
July 17, 2002

Agenda Item: 117 Bank Street - Hacienda Management Group
Create additional apartment

Actions: Use Variance recommendation to Zoning Board of Appeals

Background: Last month the committee reviewed, and tabled, a proposal by Irene Cichocki (Hacienda Management Group) to create an additional apartment, thereby establishing a Large Scale multi-family home at 117 Bank Street. The item was tabled because not enough information was available at the meeting.

Per the Zoning Code, Large Scale multi-family homes are not an allowed use within the R-2 residential district. Large Scale is defined as six (6) or more units. Therefore, a use variance recommendation is required.

The purpose of making Use Variance recommendations is not to consider hardships, which is the Zoning Board's function, but to take a hard look at any adverse impacts a Use Variance could have on the surrounding neighborhood.

Comprehensive Plan Impact: The Comprehensive Plan specifically says "... modify the R-2 district to disallow large scale multi family developments."

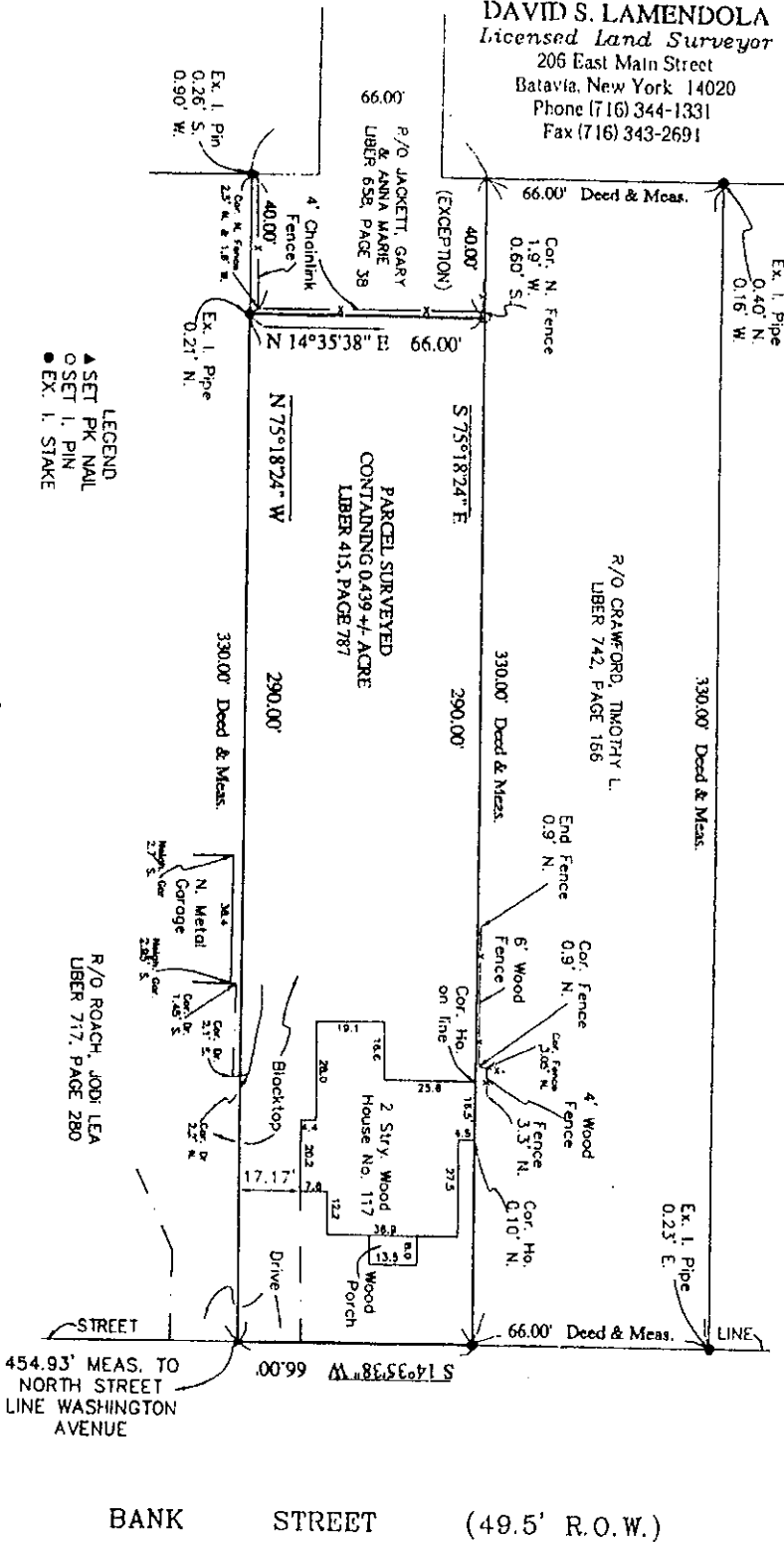
Recommended Actions: The Director recommends disapproval for the following reasons:

1. The Comprehensive Plan specifically recommended against large scale multi-family homes in the R-2 zones.
2. Parking maneuverability - The parking plan presented is based on 113 and 117 Bank Street always being owned by one individual. If that is not the case, this plan does not work
3. Front yard parking - you cannot fit seven cars on the side of the the building. At least one, if not two, will be in the front yard (see 1950's picture).
4. Neighborhood Improvement Committee - the committee has discouraged the development of any more multi-family units, especially when they need use variances.

Supporting Documents:

1. Proposed parking plan
2. Picture

DAVID S. LAMENDOLA
 Licensed Land Surveyor
 206 East Main Street
 Batavia, New York 14020
 Phone (716) 344-1331
 Fax (716) 343-2691



LEGEND
 ▲ SET PK NAIL
 ○ SET I. PIN
 ● EX. I. STAKE

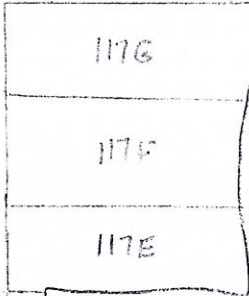
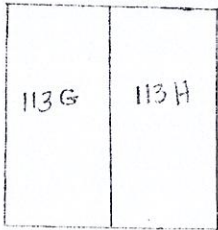
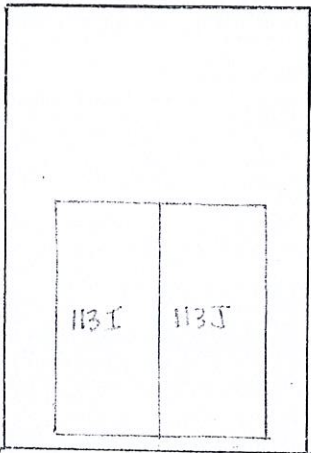
REFERENCES:
 SURVEY MAP NO. 86-80 by DAVID S. LAMENDOLA
 L.S. DATED JULY 14, 1986.
 SURVEY MAP NO. 88-323 by DAVID S. LAMENDOLA
 L.S. DATED DECEMBER 2, 1988.
 RIGHT OF WAY TO NATIONAL FUEL GAS DISTRIBUTION
 CORP., AT LIBER 505, PAGE 262.
 EXCEPTION AT LIBER 264, PAGE 44.

WARRANTED AND VOUCHER ON ADJOINERS
 TO A SURVEY MADE BY ME OR BY AN ASSISTANT
 SURVEYOR'S SEAL IS A VALIDATION OF SECTION
 5719, SUBSECTION 1, OF THE NEW YORK
 STATE SURVEYING LAW.
 ONLY COMES FROM THE ORIGINAL OF THIS
 SURVEY. ANY COPIES OF THIS SURVEY
 MADE BY ANY OTHER SURVEYOR OR
 LAND SURVEYOR'S OFFICE SHALL BE
 CONSIDERED TO BE VOID AND OF NO
 FORCE OR EFFECT.
 THIS SURVEY WAS PREPARED IN ACCORDANCE
 WITH THE SURVEYING ACT OF 1980 AND THE
 ASSOCIATION OF PROFESSIONAL LAND SURVEYORS,
 INC. (APLS) STANDARDS FOR PRACTICE.
 THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE
 FOR ANY ERRORS OR OMISSIONS IN THIS
 SURVEY. THE SURVEYOR'S OFFICE IS NOT
 LIABLE FOR ANY DAMAGES, INCLUDING
 CONSEQUENTIAL DAMAGES, ARISING FROM
 THIS SURVEY OR FROM ANY INSTRUMENTS
 HEREON.

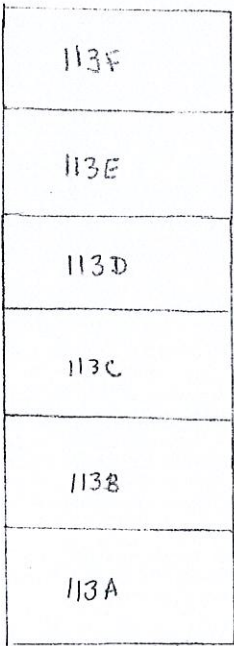
BOUNDARY SURVEY SHOWING THE PARCEL TO BE CONVERTED
 BEING PART OF ORIGINAL VILLAGE LOT NO. 24, SITUATE
 IN THE CITY OF BATAVIA, COUNTY OF GENESEE AND STATE
 OF NEW YORK.
 JANUARY 18, 2002
 JOB NO. 02-10
 SCALE 1" = 40'
 DATE Jan 25 2002
 N.Y.S.R.L.S. NO. 49813



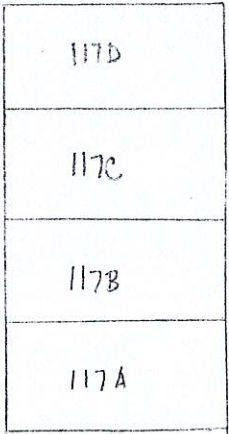
117H 117I 117J 117K



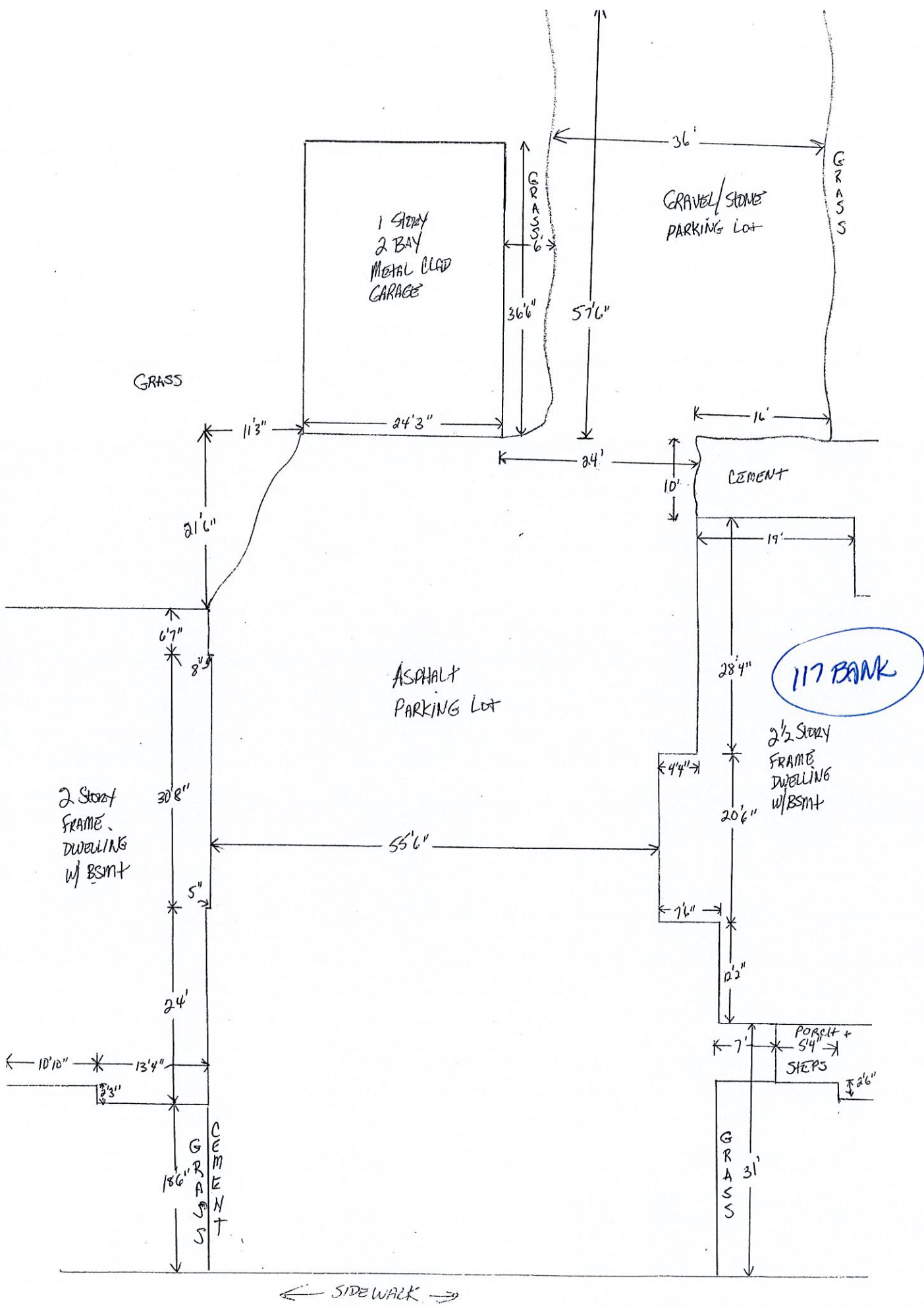
113 BANK



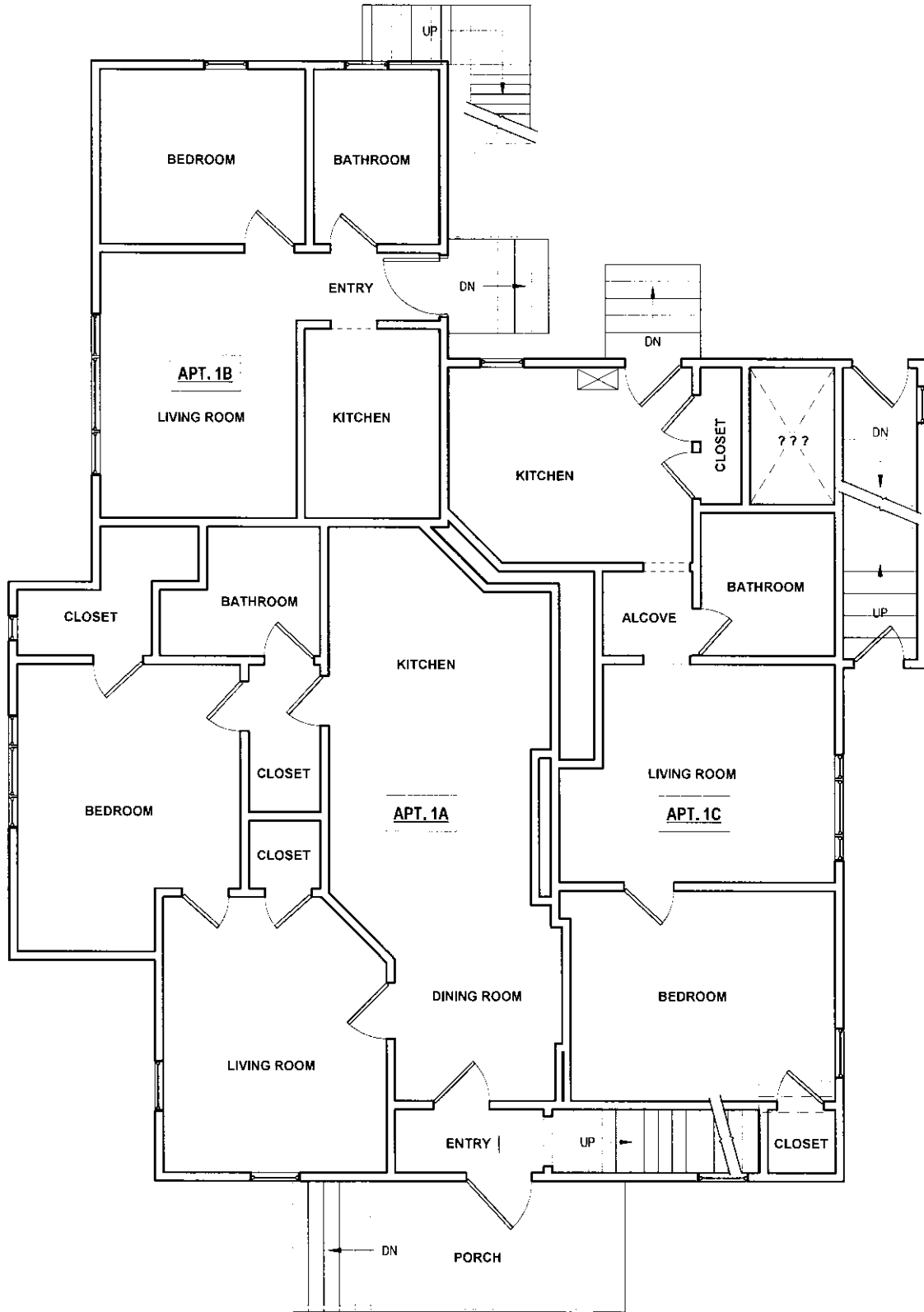
117 BANK



← SIDEWALK →

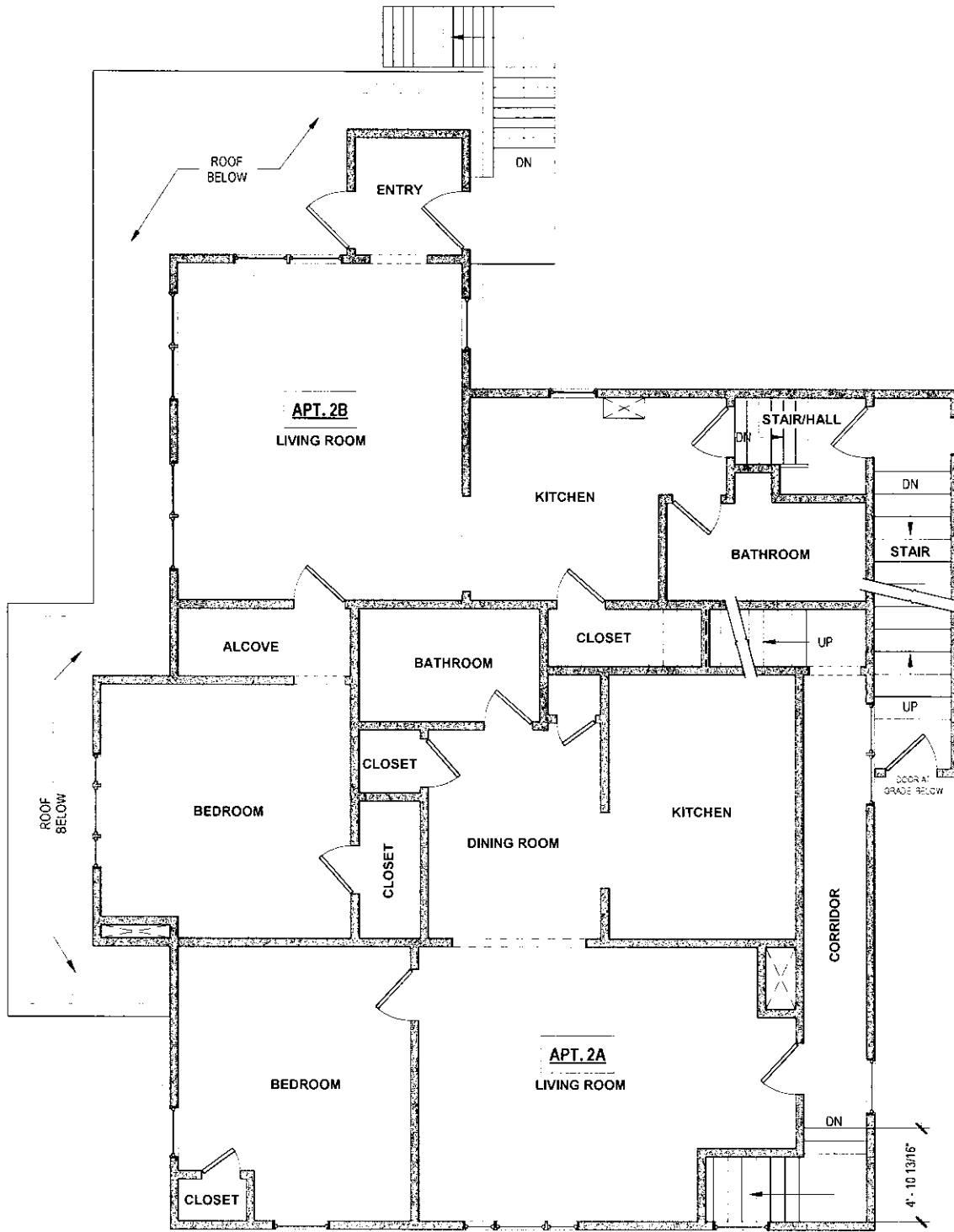


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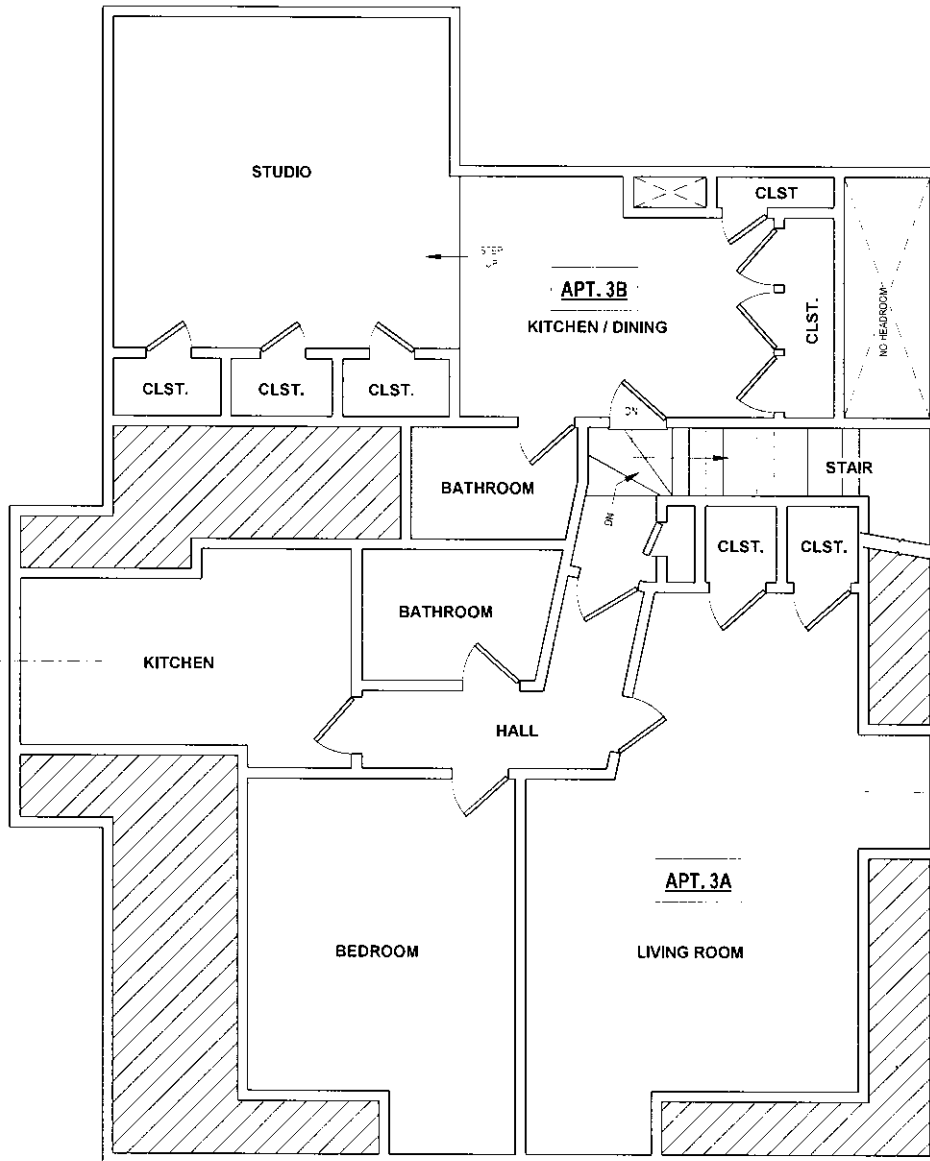
1 FIRST FLOOR PLAN
 3/16" = 1'-0"

117 BANK STREET



① SECOND FLOOR PLAN
 3/16" = 1'-0"

117 BANK STREET



① THIRD FLOOR
 3/16" = 1'-0"

117 BANK STREET