

**BATAVIA CITY COUNCIL  
SPECIAL CONFERENCE MEETING**

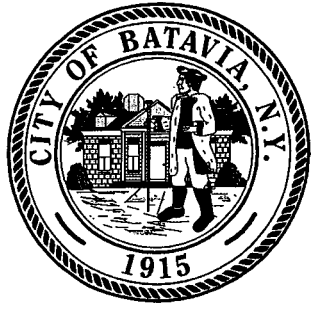
**City Hall - Council Board Room  
One Batavia City Centre  
Monday, January 8<sup>th</sup>, 2024  
7:00 PM**

**AGENDA**

- I. Call To Order
- II. Public Comments
- III. Council Response To Public Comments
- IV. Communications
  - a. Nothing at this time
- V. Council President Report
  - a. Announcement of the next City Council Meeting to be held on Monday, January 22<sup>nd</sup>, 2024 at 7:00 p.m. at the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre
- VI. Public Hearing
  - a. Zoning Code Amendment Professional Offices
- VII. SEQR To Allow Professional Offices in R1-A, R2, R3
- VIII. Zoning Code Amendment Professional Offices
- IX. Foreclosure Property Auction
- X. First Due Fire Software
- XI. NYS DEC Forest Management Grant \*\*\*
- XII. Fire Fighter 384-E NYS Retirement \*\*\*
- XIII. Acceptance of Austin Park NYS Office of Parks, Recreation, and Historic Preservation Grant\*\*\*

- XIV. Police Surplus Equipment Firearms \*\*\*
- XV. Fire Surplus Equipment Engine 12 \*\*\*
- XVI. 2024 STOP DWI Grant Award \*\*\*
- XVII. Adjournment

\*\*\*Move to Tonight's Business Agenda



# City of Batavia

## *Memorandum*

To: Honorable City Council

From: Brett Frank, Director of Public Works

Date: November 17, 2023

Subject: SEQR Lead Agency Designation and Negative Declaration Determination

During its regularly scheduled meeting of October 17, 2023, the Planning and Development Committee reviewed "Special Uses" allowed in the R-1A Residential Use district, and considered changes to the special use standards of BMC 190-37 B for "Professional Offices".

After discussion, a quorum of committee members recommend City Council consider amending the zoning code to allow existing buildings to be repurposed for professional offices in the R-1A, R-2, and R-3 Residential district by issuance of a special use permit described in the attached draft BMC 190-11 C (2). It is further recommended City Council consider amending the Special Use Permit standards of BMC 190-37 B in order to protect neighboring residential uses from professional offices uses, while providing flexibility of design for repurposed properties. The recommended changes are attached as BMC 190-37 B (1-10) Special Use Permits.

It is appropriate for the City Council to be established as the lead agency in the State Environmental Quality Review Act (SEQR) determination for the proposed zoning ordinance change, specific to the amendments of Chapters 190-11 and 190-37 to allow professional offices within R-1A, R-2, and R-3 Residential Use districts by issuance of special use permits.

A review by staff has determined this to be an unlisted action, and has not found moderate or large environmental impact, and recommend a negative declaration as this action will not result in any significant adverse environmental impact.

Supporting Documentation:

Draft Resolution  
Environmental Impact Assessment Form

#XX-2024

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

**Motion of Councilmember**

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

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

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

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

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

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

**Seconded by Councilmember  
And on roll call**

**Full Environmental Assessment Form  
Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: Zoning amendment to Batavia Municipal Code Special Use Permit		
Project Location (describe, and attach a general location map): City of Batavia		
Brief Description of Proposed Action (include purpose or need): Amend zoning to allow Special Use Permits for professional offices within the R-1A Residential use area. And to change the Special Use standards for compatibility with the Professional Office SUP.		
Name of Applicant/Sponsor: Brett Frank, Director of DPW for Batavia City Council		Telephone: 585-345-6345
		E-Mail:
Address: One Batavia City Centre		
City/PO: Batavia	State: New York	Zip Code: 14020
Project Contact (if not same as sponsor; give name and title/role): Douglas Randall, Code Enforcement Officer		Telephone: 585-345-6327
		E-Mail: drandall@batavianewyork.com
Address: One Batavia City Centre		
City/PO: Batavia	State: New York	Zip Code: 14020
Property Owner (if not same as sponsor): City of Batavia		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> <li>• If Yes, complete sections C, F and G.</li> <li>• If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s): The zoning amendment affects all properties located within the R-3 and R-1A residential use districts.	
<hr/> <hr/> <hr/>	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
<hr/> <hr/> <hr/>	

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
 If Yes, what is the zoning classification(s) including any applicable overlay district?  
 R-3 and R-1A residential use districts.

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No  
 If Yes,  
 i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? City of Batavia

b. What police or other public protection forces serve the project site?  
City of Batavia Police Dept., Genesee County Sheriff's Office, NYS Police

c. Which fire protection and emergency medical services serve the project site?  
City of Batavia Fire Dept.

d. What parks serve the project site?  
City of Batavia and Genesee County Parks.

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?  
 \_\_\_\_\_

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ acres  
 b. Total acreage to be physically disturbed? \_\_\_\_\_ acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
 If Yes,  
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_  
 ii. Is a cluster/conservation layout proposed?  Yes  No  
 iii. Number of lots proposed? \_\_\_\_\_  
 iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No  
 i. If No, anticipated period of construction: \_\_\_\_\_ months  
 ii. If Yes:  
 • Total number of phases anticipated \_\_\_\_\_  
 • Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
 • Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,  
 i. Total number of structures \_\_\_\_\_  
 ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length  
 iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,  
 i. Purpose of the impoundment: \_\_\_\_\_  
 ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_  
 iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_  
 iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres  
 v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length  
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  Yes  No  
 If Yes:  
 i. What is the purpose of the excavation or dredging? \_\_\_\_\_  
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?  
 • Volume (specify tons or cubic yards): \_\_\_\_\_  
 • Over what duration of time? \_\_\_\_\_  
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_  
 iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_  
 v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres  
 vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres  
 vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet  
 viii. Will the excavation require blasting?  Yes  No  
 ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:  
 i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_



*ii.* Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*iii.* Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No  
 If Yes, describe: \_\_\_\_\_

*iv.* Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No  
 If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

*v.* Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

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*c.* Will the proposed action use, or create a new demand for water?  Yes  No  
 If Yes:

*i.* Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

*ii.* Will the proposed action obtain water from an existing public water supply?  Yes  No  
 If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

*iii.* Will line extension within an existing district be necessary to supply the project?  Yes  No  
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

*iv.* Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No  
 If, Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

*v.* If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

*vi.* If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

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*d.* Will the proposed action generate liquid wastes?  Yes  No  
 If Yes:

*i.* Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

*ii.* Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

\_\_\_\_\_

*iii.* Will the proposed action use any existing public wastewater treatment facilities?  Yes  No  
 If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

- Do existing sewer lines serve the project site?  Yes  No
- Will a line extension within an existing district be necessary to serve the project?  Yes  No

 If Yes:
 

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

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iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:
 

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):  
 \_\_\_\_\_  
 \_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:
 

- How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)
- Describe types of new point sources. \_\_\_\_\_
- Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 \_\_\_\_\_  
 \_\_\_\_\_
  - If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
  - Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:
 

- Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) \_\_\_\_\_
- Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) \_\_\_\_\_
- Stationary sources during operations (e.g., process emissions, large boilers, electric generation) \_\_\_\_\_

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g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:
 

- Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No
- In addition to emissions as calculated in the application, the project will generate:
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
  - \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

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i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

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j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_

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iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

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vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

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k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

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iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

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l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No  
 If yes:  
 i. Provide details including sources, time of day and duration:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

n. Will the proposed action have outdoor lighting?  Yes  No  
 If yes:  
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No  
 If Yes:  
 i. Product(s) to be stored \_\_\_\_\_  
 ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)  
 iii. Generally, describe the proposed storage facilities: \_\_\_\_\_  
 \_\_\_\_\_

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No  
 If Yes:  
 i. Describe proposed treatment(s):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No  
 If Yes:  
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:  
 • Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 • Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

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t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)

Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe: \_\_\_\_\_

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b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
 i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
 If Yes,  
 i. Identify Facilities: \_\_\_\_\_  
 \_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No  
 If Yes:  
 i. Dimensions of the dam and impoundment:  
 • Dam height: \_\_\_\_\_ feet  
 • Dam length: \_\_\_\_\_ feet  
 • Surface area: \_\_\_\_\_ acres  
 • Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
 ii. Dam's existing hazard classification: \_\_\_\_\_  
 iii. Provide date and summarize results of last inspection: \_\_\_\_\_  
 \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
 If Yes:  
 i. Has the facility been formally closed?  Yes  No  
 • If yes, cite sources/documentation: \_\_\_\_\_  
 ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_  
 \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
 If Yes:  
 i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_  
 \_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
 If Yes:  
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
 ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
 If yes, provide DEC ID number(s): \_\_\_\_\_  
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_  
 \_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site: \_\_\_\_\_ %  
 \_\_\_\_\_ %  
 \_\_\_\_\_ %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained: \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_  
 \_\_\_\_\_

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h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_  
 \_\_\_\_\_

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i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:  
 i. Name of aquifer: \_\_\_\_\_

m. Identify the predominant wildlife species that occupy or use the project site: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

n. Does the project site contain a designated significant natural community?  Yes  No  
If Yes:  
i. Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_  
\_\_\_\_\_  
ii. Source(s) of description or evaluation: \_\_\_\_\_  
iii. Extent of community/habitat:  
• Currently: \_\_\_\_\_ acres  
• Following completion of project as proposed: \_\_\_\_\_ acres  
• Gain or loss (indicate + or -): \_\_\_\_\_ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?  Yes  No  
If Yes:  
i. Species and listing (endangered or threatened): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?  Yes  No  
If Yes:  
i. Species and listing: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No  
If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_  
\_\_\_\_\_

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No  
If Yes, provide county plus district name/number: \_\_\_\_\_

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
i. If Yes: acreage(s) on project site? \_\_\_\_\_  
ii. Source(s) of soil rating(s): \_\_\_\_\_

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?  Yes  No  
If Yes:  
i. Nature of the natural landmark:  Biological Community  Geological Feature  
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?  Yes  No  
If Yes:  
i. CEA name: \_\_\_\_\_  
ii. Basis for designation: \_\_\_\_\_  
iii. Designating agency and date: \_\_\_\_\_



e. 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> Brief description of attributes on which listing is based: _____	
f. 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 type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: _____	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
<i>iii.</i> Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

**F. Additional Information**


Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Brett Frank, Director of DPW Date 10/24/23

Signature  Title Director DPW

**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Agency Use Only [If applicable]
Project : Zoning amendment SUP Prof. Office
Date : 10/25/23

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “Yes” to a numbered question, please complete all the questions that follow in that section.
- If you answer “No” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**2. Impact on Geological Features**

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

NO

YES

*If "Yes", answer questions a - c. If "No", move on to Section 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**3. Impacts on Surface Water**

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

NO

YES

*If "Yes", answer questions a - l. If "No", move on to Section 4.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

l. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>6. Impacts on Air</b>			
The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> )	D2g	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> )	D2g	<input type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>7. Impact on Plants and Animals</b>			
The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b>			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**9. Impact on Aesthetic Resources**  
 The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)  
*If "Yes", answer questions a - g. If "No", go to Section 10.*

NO       YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**10. Impact on Historic and Archeological Resources**  
 The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)  
*If "Yes", answer questions a - e. If "No", go to Section 11.*

NO       YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical 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.	E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b>			
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b, E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b>			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>



**13. Impact on Transportation**  
 The proposed action may result in a change to existing transportation systems.  NO  YES  
 (See Part 1. D.2.j)  
*If "Yes", answer questions a - f. If "No", go to Section 14.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**  
 The proposed action may cause an increase in the use of any form of energy.  NO  YES  
 (See Part 1. D.2.k)  
*If "Yes", answer questions a - e. If "No", go to Section 15.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

**15. Impact on Noise, Odor, and Light**  
 The proposed action may result in an increase in noise, odors, or outdoor lighting.  NO  YES  
 (See Part 1. D.2.m., n., and o.)  
*If "Yes", answer questions a - f. If "No", go to Section 16.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**16. Impact on Human Health**

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

NO

YES

*If "Yes", answer questions a - m. If "No", go to Section 17.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

**17. Consistency with Community Plans**  
 The proposed action is not consistent with adopted land use plans.  NO  YES  
 (See Part 1. C.1, C.2. and C.3.)  
 If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**18. Consistency with Community Character**  
 The proposed project is inconsistent with the existing community character.  NO  YES  
 (See Part 1. C.2, C.3, D.2, E.3)  
 If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**PRINT FULL FORM**

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:       Type 1                       Unlisted

Identify portions of EAF completed for this Project:    Part 1             Part 2             Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Batavia City Council \_\_\_\_\_ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Zoning amendment to Batavia Municipal Code Special Use Permit

Name of Lead Agency: Batavia City Council

Name of Responsible Officer in Lead Agency: Eugene Jankowski Jr.

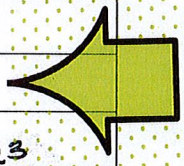
Title of Responsible Officer: City Council President

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date: 10/25/23



**For Further Information:**

Contact Person: Douglas Randall, Code Enforcement Officer

Address: One Batavia City Centre, Batavia, NY 14020

Telephone Number: 585-345-6327

E-mail: drandall@batavianewyork.com

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

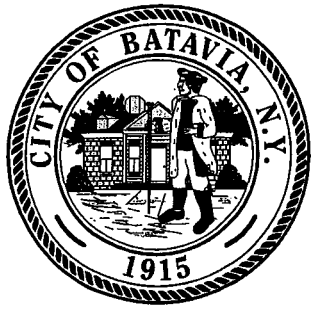
Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**PRINT FULL FORM**



# City of Batavia

## *Memorandum*

To: Rachael Tabelski, City Manager

From: Brett Frank, Director of Public Works

Date: January 2, 2024

Subject: Approve An Ordinance To Amend The City Of Batavia Zoning Code Chapter 190 To Add “Professional Offices” As An Allowed Use In R1a, R2, And R3 With A Special Use Permit And To Amend The Special Use Permit Standards Of Chapter 190-37 (B.) Of The City Of Batavia Zoning Code

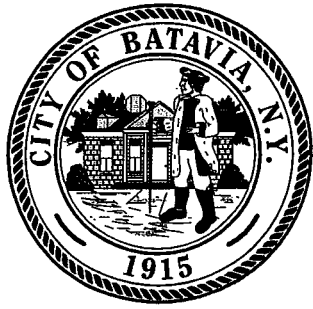
An action to change the City of Batavia Zoning Ordinance to add “professional offices” as an allowed use with the issuance of a Special Use Permit in R-1A, R-2 and R-3 Residential Use Districts is before Council for consideration.

This process included a review by the City Planning and Development Committee as requested by City Council.

The review of the Planning and Development Committee included proposed amendments to the zoning code to allow existing buildings to be re-purposed for professional offices in the R1-A, R-2, R-3 Residential districts by issuance of a Special Use Permit described in the attached draft BMC 190-11 C (2).

It is further recommended that amending the Special Use Permit standards of BMC 190-37 B in order to protect neighboring residential uses from professional offices, while providing flexibility of design for re-purposed properties. The recommended changes are attached as BMC 190-37 B (1-10) Special Use Permits.

As is required to consider proposed zoning code changes, City Council will hold a public hearing on January 8, 2024 to review the proposed changes the City of Batavia Zoning Ordinance.



# City of Batavia

I recommend that the City Council of the City of Batavia approve the action to add "Professional Offices" as an allowed use within R-1A, R-2, and R-3 with a Special Use Permit.

**#XX-2024**

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

**Motion of Councilmember**

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

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

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

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

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

**Seconded by Councilmember  
and roll call**



**ORDINANCE #1-2024**

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

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

190-9 R-2 Residential Districts



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

**A.**

Permitted principal uses.

**(1)**

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

[Amended 10-25-1999]

**(2)**

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

[Amended 3-9-1981]

**(3)**

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

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

**B.**

Permitted accessory uses.

**(1)**

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

**(2)**

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

**(3)**

Signs subject to the provisions of § **190-43**.

**C.**

Uses permitted with special use permit.

**(1)**

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

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

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

190-10 R-3 Residential district

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

**A.**

Permitted principal uses.

**(1)**

Any principal use permitted in R-2 Districts.

**(2)**

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

**(3)**

Private Nursery school or kindergarten

**B.**

Permitted accessory uses.

**(1)**

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

**(2)**

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

**(3)**

Signs subject to the provisions of § 190-43.

C.

Uses permitted with special use permit.

(1)

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

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

(3) High-rise apartments

(4) Large-scale multifamily developments.

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

190-11 R-1A Residential district

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

A.

Permitted principal uses.

(1)

Single-family dwelling.

(2)

Two-family dwelling.

(3)

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

(4)

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

(5)

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

**(6)**

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

**B.**

Permitted accessory uses.

**(1)**

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

**(2)**

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

**(3)**

Signs subject to the provisions of § **190-43**.

**C.**

Uses permitted with special use permits.

**(1)**

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

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

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

190-37 Special Use Permits

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

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

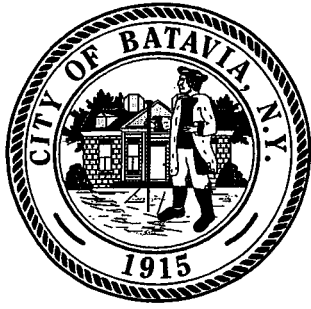
- (3) Minimum setbacks of 35 feet for rear and front yards and a minimum of 12 feet for one side yard and a total of 25 feet for both side yards shall be required for all new construction.
- (4) On an existing structure which is connected and providing no additions are required, the Planning and Development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

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

**SECTION 5. EFFECTIVE DATE**

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

DRAFT



# City of Batavia

## *Memorandum*

To: Rachael Tabelski, City Manager  
From: Heidi J. Parker, Clerk-Treasurer  
Date: December 15, 2023  
Subject: Foreclosure Property Auction

From November 22, 2023 to December 13, 2023, the City of Batavia held an online auction of property and the highest bidders were as follows:

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

The recommendation is that Council approve the sale of the above listed property at the next business meeting. There are no outstanding taxes on any City properties owned by any of the bidders in the City of Batavia and no code violations of which I am aware. The Inspection Department has also reviewed the properties and bidders and have no objection to the sale.

#XX-2024

**RESOLUTION TO DISCONTINUE THE PUBLIC USE AND TO AUTHORIZE THE COUNCIL PRESIDENT TO SIGN AGREEMENTS FOR THE SALE OF THE ON-LINE PROPERTY AUCTION**

**Motion of Councilmember**

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

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

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

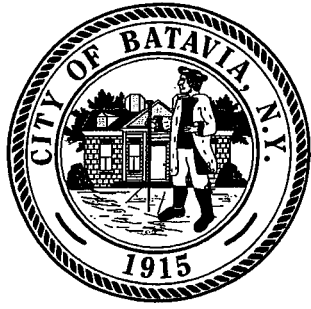
**WHEREAS**, the highest bids received for the auctioned properties are as follows:

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

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

**Seconded by Councilmember  
and on roll call**





# City of Batavia

## *Memorandum*

To: Honorable Council Members

From: Erik Fix, Assistant City Manager

Date: January 2, 2024

Subject: First Due Fire Software

The City of Batavia Fire Department is requesting the purchase of additional modules to the First Due computer software that the department currently uses. The additional modules will provide for incident reporting, scheduling, asset and inventory management, CAD integration and training.

The First Due software package is used by the Fire Department both in the fire house and when on call. When on call, the officers and firefighters can access the software on their tablets, allowing for enhanced call preparations and details of items such as closest fire hydrants, information on the structure they are called to (fire suppression systems, code violations etc) and even potentially floor schematics of the building. The upgrades will allow for better compliance with State and Federal regulations, in addition to enhanced scheduling and work order management.

I recommend council allow for the City to enter into a 5-year agreement with First Due for the additional modules at a total cost not to exceed \$50,500, and move the accompanied resolution to the next Conference meeting on January 22<sup>nd</sup>.

#XX-2024

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

**Motion of Councilmember**

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

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

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

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

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

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

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

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

**Increase Revenue:**

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

**Increase Expense:**

A.05.3410.3410.22-2101 Fire Equipment Administrative Reserve \$55,500

**Second by Councilmember  
and on roll call**



Locality Media, Inc. dba First Due  
 107 Seventh St  
 Garden City, NY 11530, United States  
 Phone: +1 (516) 874-2258  
 Website: <https://www.firstdue.com/>

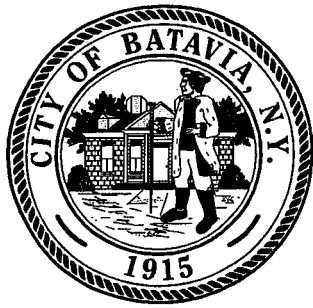
**Exhibit A - Quote**  
 Prepared By: Dre Mihaylo  
 Valid Until: January 23, 2024  
 Quote Number: 1545132000170674274

**BILL TO:**

Jeff Whitcombe  
 City of Batavia Fire Department  
 18 Evans Street  
 Batavia, NY 14020

**Account:** City of Batavia Fire Department  
**Subscription Start:** December 23, 2023  
**Initial Term:** 11 months  
**Annual Subscription:** \$9,100.00

<b>First Due Additional Modules</b>	
<b>Product Details</b>	<b>Total</b>
<b>Incident Reporting – NFIRS</b>	
NFIRS Incident Documentation, State and Federal Compliance with automated submission.	
<b>Incident Reporting – ePCR</b>	
ePCR Incident Documentation, State and Federal Compliance with automated submission.	
<b>Scheduling</b>	
Manage staff schedules with an interactive shift board, configurable call shifts module, messaging, time-off and shift trades.	
<b>Assets &amp; Inventory</b>	
Assets, vehicles, equipment and inventory management, assets and equipment checks, and work order management.	
<b>CAD Integration</b>	
Automated importing of CAD calls via XML, Database Connector or API.	
<b>Online Standard Training Package</b>	
Includes a one-hour planning session and up to 6 hours of webinar train-the-trainer sessions	
<b>Implementation and Configuration Services</b>	
Services related to configuring and customizing the First Due Platform as described in the Statement of Work.	
	<b>One-Time Fees Subtotal \$ 900.00</b>
	<b>11-Month Prorated Subscription Fees Subtotal \$ 8,372.00</b>
	<b>First Due Additional Modules Total Year 1 \$ 9,272.00</b>
	<b>First Due Additional Modules Total Year 2 \$ 9,555.00</b>
	<b>First Due Additional Modules Total Year 3 \$ 10,032.75</b>
	<b>First Due Additional Modules Total Year 4 \$ 10,534.39</b>
	<b>First Due Additional Modules Total Year 5 \$ 11,061.11</b>
	<b>First Due Additional Modules Grand Total Years 1-5 \$ 50,455.24</b>



# City of Batavia

## *Memorandum*

To: Honorable City Council

From: Rachael J. Tabelski, City Manager

Date: January 3, 2024

Subject: NYS DEC Community Forest Management Plan Implementation in Disadvantaged Communities Grant Application

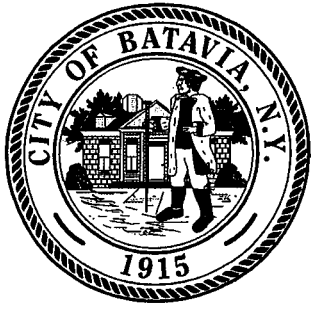
The City of Batavia, NY recognizes the value of its urban forest and is committed to safeguarding and enhancing it for the community and visitors. To achieve this, the City needs to remove hazardous trees, conduct maintenance existing trees, and plant new trees throughout the community.

Implementing the next phase of the Tree Project in the City of Batavia, NY will bring numerous benefits to the community.

- Trees produce aesthetically pleasing environments have been proven to reduce stress, lower crime rates, and foster a sense of community, thus increasing civic pride;
- Trees play a vital role in environmental sustainability, naturally absorb excess carbon dioxide and release oxygen, contributing to cleaner air;
- Trees aid in groundwater recharge, reducing stormwater runoff and acting as natural buffers along riparian zones;
- Trees serve as effective filters, removing air pollutants and improving air quality;
- Lastly, trees help mitigate the heat island effect caused by buildings and hardscapes, creating cooler and more comfortable urban areas. In summary, an urban forest is a valuable asset that significantly enhances the overall quality of life in the City of Batavia.

To this end the City has applied to the USDA Tree Grant Program in May 2023 for \$550,000 to maintain and plant street trees. Unfortunately, were not selected for this grant.

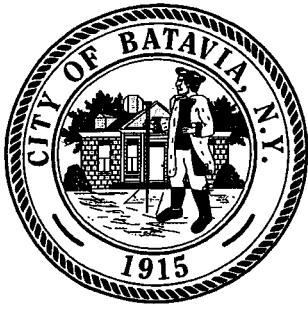
In August 2023 the City applied for a NYS DEC Urban and Community Forestry Grant Program for a \$75,000 grant and commit a 25% match from the City to hire a tree maintenance professional to conduct tree removal, trimming and planting in Centennial Park.



# City of Batavia

Recently the NYS DEC announced \$12.9 million is available for urban forestry work in disadvantaged communities across New York State with applications due Wednesday, January 31. This is a unique grant opportunity funded by the USDA Forest Service through the Federal Inflation Reduction Act.

I recommend that the City Council of the City of Batavia apply for the NYS DEC Community Forest Management Plan Implementation in Disadvantaged Communities Grant.



## **History of Forest Management in the City of Batavia**

Over the past decade, Batavia has invested significantly in caring for and expanding its urban canopy. In 2017, the City developed a comprehensive Community Forest Management Plan with funding from the NYS Urban and Community Forestry Council.

Cornell University's Student Weekend Arborist Team (SWAT) conducted a full inventory of Batavia's street trees from 2011 to 2014. In 2016, Forest Analytics LLC sampled this data to estimate the maintenance needs of a large number of trees that were not rated by SWAT, as well as all trees within public parks.

- Based on these studies, it was estimated that Batavia had 3,623 street trees and 697 trees in public parks.

According to these two tree inventories, the City of Batavia had

- 350 trees along streets that required emergency removal
- 100 trees tagged for removal within parks
- 500 trees along city streets
- 105 park trees were in poor condition
- 251 park trees requiring priority trimming.

The condition of trees has worsened since these studies were conducted due to the increasing incidence of extreme weather events such as wind, snow, and ice storms.

The tree inventory reveals a predominance of maple trees, with approximately 60% of all street trees being some variety of maple. Additionally, 45% of all trees within park space were maples as well. This over-reliance on a limited number of tree varieties, coupled with their susceptibility to extreme weather events and blight, puts the community at risk of significant tree losses.

Specifically, the dominance of larger, failure-prone silver maples creates a substantial maintenance issue for the City on an annual basis.

Along with the over-dependence on maple trees, there is a significant portion of Green Ash trees (6.3%), or 304 trees, which are susceptible to the Emerald Ash Borer.

Therefore, Batavia aims to increase species diversity in its urban forest to decrease potential property damage, and pest and disease problems. Based on the Tree Inventory, maples will be avoided in future plantings, and other recommended tree species will be prioritized to achieve greater biodiversity. Proper tree selection, considering factors such as hardiness, site tolerance, and size at maturity, is crucial for long-term success.

# XX- 2024

**RESOLUTION TO SUBMIT A 2023 NYS DEC COMMUNITY FOREST MANAGEMENT  
PLAN IMPLEMENTATION IN DISADVANTAGED COMMUNITIES GRANT  
APPLICATION**

**Motion by Councilmember**

**WHEREAS**, the City of Batavia desires to apply for up to \$500,000 in financial assistance through the 2023 NYS DEC Forest Management Plan Implementation in Disadvantaged Communities program; and

**WHEREAS**, the City of Batavia would like to hire a tree maintenance professional to conduct tree removal and trimmings throughout impacted areas of the City of Batavia;

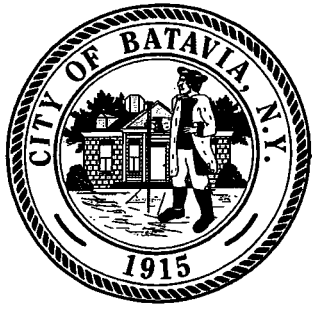
**WHEREAS**, the proposed funding will contribute to ongoing tree maintenance and safety efforts; and

**WHEREAS**, no local match is required for project costs.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia approves and endorses the 2023 NYS DEC Forest Management Plan Implementation in Disadvantaged Communities grant application.

**BE IT FURTHER RESOLVED**, that the City Council of the City of Batavia understands that this is a reimbursement grant program and that they are prepared and committed to pay the \$500,000 up front and to be reimbursed following successful completion of the project.

**Seconded by Councilmember  
And on roll call**



## *Memorandum*

To: Rachael Tabelski, City Manager

From: Teri Dean, Employee Payroll Insurance Clerk

Date: December 13, 2023

Subject: 384-E Benefits for Firefighters

Through a Memorandum of Agreement (MOA) dated December 15, 2004 and signed by Matthew Coppler and the IAFF Union, the City committed to opening a one year window for entrance into the NY State Retirement System 384-E benefit plan. Firefighters who are in 384-D are eligible for the 384-E plan once the one year window is opened. The 2004 MOA committed the City to open future enrollment windows at the Union's request.

Through a Memorandum of Agreement dated February 10, 2023 and signed by Rachael Tabelski and the IAFF Union, the City committed to opening an unlimited open period for entrance into the NY State Retirement System 384-E benefit plan.

Those firefighters who are in 384-D will be eligible for the 384-E plan once the window is opened, and all future firefighters will be placed in 384-E and does away with the window option as it is a costly onetime payment and creates large amounts of administrative work.

In order for the Retirement System to incorporate these employees into the appropriate retirement plan, City Council needs to enact the attached resolution.

**Budget Impact:** The one-time past service cost will be \$33,146. In addition, the estimated annual cost will be approximately \$2,865.

**Recommended Action:** It is recommended by the City Manager that City Council approve the 384-E retirement benefit plan.

**Supporting Documentation:**

1. Resolution



#XX-2024

**A RESOLUTION PROVIDING SECTION 384-E TO IAFF EMPLOYEES COVERED BY SECTION 384-D OF THE NEW YORK STATE RETIREMENT AND SOCIAL SECURITY LAW AND AMENDING THE 2023-2024 BUDGET TO USE RETIREMENT RESERVES**

**Motion of Councilmember**

**WHEREAS**, a Memorandum of Agreement with the International Association of Fire Fighters(IAFF)provides a retirement benefit for those employees currently enrolled in the 384-d retirement plan; and

**WHEREAS**, the City and the IAFF Union agreed to provide the 384-e retirement benefit plan to those employees currently in the 384-d retirement plan; and

**WHEREAS**, pursuant to General Municipal Law 6-e, the City of Batavia has an established a Retirement Reserve fund for payments to the New York State Retirement System as needed, which as of December 31, 2023, has an approximate balance of \$296,784.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Batavia does hereby elect to provide the additional pension benefits of Section 384-e of the Retirement and Social Security Law for any member of its Fire Department who duly elects Section 384-d of the Retirement and Social Security Law, as presently or hereafter amended; and

**BE IT FURTHER RESOLVED**, that this election shall become effective beginning on the 12<sup>th</sup> day of February 2024 with an unlimited open period; and

**BE IT FURTHER RESOLVED**, by the Council of the City of Batavia that the City Manager is hereby authorized to use \$33,146 from the Retirement Reserves and make the following budget transfers, effective February 12, 2024:

Increasing expense accounts:		
Fire Department Retirement Expense	A.05.3410.3410 801	\$ 33,146
Increasing Reserve Appropriation account:		
Retirement Reserve	A.00.0000.0000 0511-2110	\$33,146

**Seconded by Councilmember  
and on roll call**

MEMORANDUM OF AGREEMENT


In order to address the issue brought forward in the Grievance dated November 10, 2004, the IAFF and the City of Batavia hereby supplement their negotiated Agreement for the period April 1, 2000 through March 31, 2003, by further agreeing to the following:


The City will commit to open a one year window for entrance into the New York State Retirement System 384(e). Those firefighters that are currently in 384(d) will be transferred into 384(e). Any personnel promoted to a firefighter position, or hired as a firefighter within the one year window will automatically be placed in 384(e). The City will commit to opening future one year windows at the Union's request as long as there are firefighter personnel to be placed in 384(e).

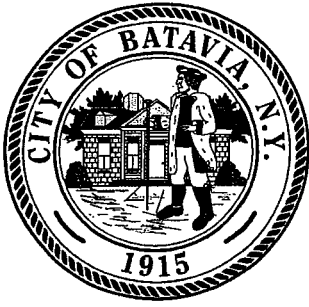
Dated Batavia, New York  
December 15, 2004

CITY OF BATAVIA

IAFF

  
Matthew Coppler  
City Manager

  
Art Smith  
IAFF President



# City of Batavia

## Memorandum of Agreement

This Memorandum of Agreement (“MOA”) is hereby entered into by and between the City of Batavia (hereinafter “City”) and the International Association of Fire Fighters, Local 896 (hereinafter “Association”) for the purpose of addressing the ongoing commitment in opening a one year window for entrance into the New York State Retirement System 384e. The City and the Association agree to the following:

1. The City will commit to enroll IAFF members into the New York State Retirement System 384(e) automatically at the time of their employment eliminating the need to open a one-year window.
2. This agreement replaces the MOA signed December 15, 2004.

Rachael J. Tabelski      2/8/23

Rachael J. Tabelski  
City Manager  
City of Batavia

Date

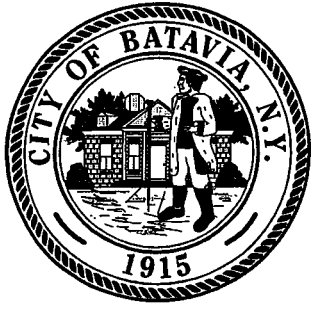
[Signature]

Chris Morasco  
Union President

International Association of Fire Fighters, Local 896

2/10/23

Date



# City of Batavia

## *Memorandum*

To: Honorable Council Members

From: Erik Fix, Assistant City Manager

Date: January 2, 2024

Subject: Austin Park Grant

The City of Batavia has been named a recipient of an Environmental Protection Fund Grant of \$500,000 for the 2024 program year. The New York State Office of Parks, Recreation and Historic Preservation assistance grant will be implemented to help complete phase one of the Austin Park Master Plan renovations.

As a result of receiving the award, the City would use the funds to replace the existing playground equipment with a new universally inclusive playground. If funds remain, the City will make needed renovations to the splash pad. There is a 25% match required for the grant. The City intends to utilize DPW reserves of \$225,000 from DPW reserves to account for the match and contingencies for the project.

I recommend council accept the EPF grant and move the accompanied resolution to the next Conference meeting on January 22<sup>nd</sup>.

# XX- 2024

**A RESOLUTION TO ACCEPT A GRANT AWARD AND ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION AND AMEND THE 2023-2024 CITY OF BATAVIA BUDGET**

**Motion by Councilmember**

**WHEREAS**, The City of Batavia applied for financial assistance from the New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”) under the Environmental Protection Fund Grant Program for the purpose of funding the Revitalization of Austin Park;

**WHEREAS**, that The City of Batavia is authorized and directed to accept these grant funds in an amount not to exceed \$500,000 for the project described in the grant application;

**WHEREAS**, that The City of Batavia is authorized and directed to agree to the terms and conditions of the Master Contract with OPRHP for the Revitalization of Austin Park, City Project # 240001;

**WHEREAS**, pursuant to General Municipal Law 6-c, the City of Batavia has an established DPW reserve fund for payment of the acquisition of equipment for the Department of Public Works; and

**WHEREAS**, the City of Batavia has approximately \$960,822 of DPW reserves; and

**WHEREAS**, the above mentioned grant requires a match of 25% of the total grant award, a budget amendment is required to approve the use of DPW reserves for this match.

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that the City Manager be and hereby is authorized as the signing authority to execute the Master Contract and any amendments thereto, any required deed of easement, and any other certifications to the individual who holds the following position: City Manager; and

**BE IT FURTHER RESOLVED**, by the Council of the City of Batavia that the City Manager is hereby authorized to use approximately \$225,000 of DPW reserves and to make the following budget amendment effective January 8, 2024:

Increase expenditure account:

A.01.9950 900-2102 Transfer to Capital Projects DPW reserve \$225,000.00

Increase revenue account:

A.00.0000.0000 0511-2102 Appropriated DPW Reserve \$225,000.00

**Seconded by Councilmember**

**And on roll call**



**New York State  
Parks, Recreation and  
Historic Preservation**

**KATHY HOCHUL**  
Governor

**ERIK KULLESEID**  
Commissioner

December 21, 2023

RECEIVED

DEC 26 2023

City Manager's Office  
City of Batavia

Rachael Tabelski  
City Manager  
City of Batavia  
One Batavia City Centre  
Batavia, New York 14020

Re: Project #239413  
Revitalize Austin Park

Dear Rachael Tabelski:

Congratulations on your recent grant award from the Office of Parks, Recreation and Historic Preservation's Environmental Protection Fund grant program! If you have not already been in contact with **Kate Badgley**, the OPRHP Regional Grant Administrator (RGA) in your region, you will be contacted soon. The first step in advancing your grant and your project is to meet with your RGA and become oriented to our program and its requirements. When you meet with your RGA, you will discuss preparation of a project scope and budget based on the elements and amounts of the proposed scope and budget that have been accepted for funding, performance measures and a work plan to ensure that your project will be completed in a timely manner.

In the coming year, New York will transition grantmaking activities from the Grants Gateway to the Statewide Financial System (SFS). It is important that organizations prepare for this transition by becoming familiar with how to use SFS (key information to help ensure a smooth transition can be found on the Grants Management webpage <https://grantsmanagement.ny.gov/transition-sfs>). If you have any questions, contact the SFS Help Desk at [Helpdesk@sfs.ny.gov](mailto:Helpdesk@sfs.ny.gov) or (855) 233-8363.

In order to administer state funds efficiently, there are a series of conditions that must be met, and documents provided, before we can execute your contract. Your RGA can assist you with these:

- Contracts can only be executed with grant recipients that have been issued a Vendor Identification Number (VID) through the Statewide Financial System (SFS). If your organization has not yet been issued a VID, you can obtain one during the registration process in the SFS.
- All grant recipients must enroll in New York State's electronic payment program for vendors. Begin the process at <http://www.sfs.ny.gov>, click on Vendor Portal Login, then click on Sign in to the Vendor Portal. If you do not have a login, contact the SFS Help Desk.
- All not-for-profits must be current with filing all required annual written reports with the Attorney General's Charities Bureau, or the appropriate oversight Agency. In addition, all not-for-profits must be prequalified and maintain prequalification status during the life of the project.

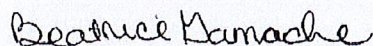
- You need to provide the following documentation to your RGA (when scanning documents to the RGA email, use short naming conventions to include application number and title of document being provided, i.e., App123456\_boundary map, App123456\_SEQR, App123456\_EO16Cert, etc.):
1. A Boundary Map which satisfies the STATE's requirements
  2. A copy of the CONTRACTOR's deed to the property
  3. An Opinion of Municipal Counsel
  4. A signed, original authorizing resolution to accept grant funds and enter into and execute a contract and any long-term protection documents and other certifications, as required. Instructions and templates for the authorizing resolution are here: <https://parks.ny.gov/grants/consolidated-funding-app.aspx> under Grant Program Information.
  5. Documentation of compliance with the requirements of the State Environmental Quality Review Act (SEQR)
  6. A signed Prevention of Sexual Harassment in the Workplace Policy certification (attached)
  7. A signed Non-Discrimination certification (attached)
  8. A signed certification under Executive Order 16 Prohibiting State Agencies and Authorities from Contracting with Businesses Conducting Business in Russia (attached).

Once you have supplied these documents to your RGA and met all the required conditions, we can begin to develop your contract. Please note that there will also be several requirements that will be included in your contract; some must be supplied prior to commencement of work; others to receive your first payment.

We understand that there can be issues beyond your control that could affect your ability to supply these materials in a timely manner. We will certainly work with you and be flexible, but please understand that for every grant that is awarded and delayed, there is another worthy project that has gone unfunded. Therefore, we expect that the above be satisfied by **February 9, 2024**. If the documents are not provided, and you have not consulted with your RGA regarding the delay, your award may be in jeopardy.

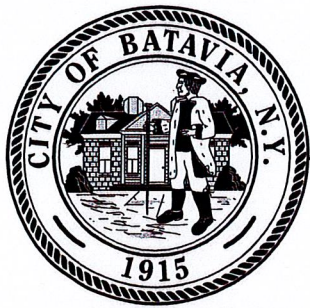
If you have any questions, do not hesitate to contact your RGA, Kate Badgley at (716) 773-5292.

Sincerely,



Beatrice L. Gamache  
Director, Grants Bureau

Attachments (3)  
CC: Kate Badgley



# City of Batavia

## *Memorandum*

To: Rachael Tabelski, City Manager

From: Shawn Heubusch, Police Chief

Date: January 2, 2024

Subject: Surplus of police equipment for disposal

Per the City of Batavia Purchasing Manual property valued over \$1000 must be declared surplus by resolution of City Council prior to being disposed of.

The attached draft resolution calls for the surplus of thirty-five (35) Glock handguns by the Police Department with the intent on auctioning/ selling and/or trading-in the equipment. The handguns were replaced as part of the transition to 9mm handguns and are now deemed surplus.

I request the proceeds from the sales to be placed into the Police Equipment Reserve Fund to offset the costs of future equipment purchases.

Please advise if you should have any questions or concerns regarding this MEMO.

Thank you.

**Police Department  
10 Main Street  
Batavia, New York 14020**



**Phone: 585-345-6350  
Fax: 585-344-1878  
Records: 585-345-6303  
Detective Bureau: 585-345-6370  
[www.batavianewyork.com](http://www.batavianewyork.com)**



#XX-2024

**RESOLUTION TO DECLARE POLICE DEPARTMENT EQUIPMENT SURPLUS FOR THE PURPOSE OF DISPOSAL**

**Motion of Councilmember**

**WHEREAS**, The Police Department has declared the equipment listed below surplus; and

**WHEREAS**, the City of Batavia requires a surplus declaration of property to be made prior to disposal or sale of equipment; and

**WHEREAS**, the Police Department desires to use the proceeds from selling the equipment listed below in order to offset the purchase of future equipment needs by placing the proceeds into the Police Equipment Reserve account.

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that the City Manager be and hereby is authorized to declare the following as surplus for the purpose of disposal:

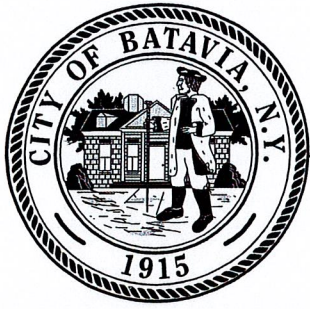
Glock Model 22 handguns	Serial Numbers:			
YDR-522	BBXF706	YDR-523	BBXF711	YDR-550
BFFT259	YDR-517	BBXF710	YDR-519	BBXF705
BBXF709	BFFT256	BFFT253	BBXF708	BFFT250
BFFT258	BLXS648	YDR520	YDR525	BFFT257
BFFT252	BKRU457	BFFT251	YDR515	BFFT255
BFFT254	YDR-551	BLXS649	HGC-685	BBXF707
YDR524				

Glock Model 23 handguns	Serial Numbers:
BBXM969	XPH598
	BBXM968

Glock Model 27 handgun	Serial Number -	BBXV433
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**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia does hereby authorize the transfer of the proceeds from the sale of said equipment to the Police Equipment Reserve Fund.

**Seconded by Councilmember  
and on roll call**



# City of Batavia

## *Memorandum*

To: Rachael Tabelski, City Manager

From: Joshua Graham, Fire Chief

Date: January 3, 2024

Subject: Surplus of Fire equipment for disposal

Per the City of Batavia Purchasing Manual property valued over \$1000 must be declared surplus by resolution of City Council prior to being disposed of.

The attached draft resolution calls for the surplus of a Pierce Contender fire apparatus by the Fire Department with the intent on auctioning/ selling and/or trading-in the equipment. The apparatus was replaced with the new fire engine and is now deemed surplus.

I request the proceeds from the sales to be placed into the Fire Equipment Reserve Fund to offset the costs of future equipment purchases.

Please let me know if you should have any questions or concerns.

Thank you.

Joshua Graham  
Fire Chief  
City of Batavia Fire Department

**Fire Department**  
18 Evans Street  
Batavia, New York 14020



**Phone: 585-345-6375**  
**Fax: 585-343-5639**  
**[www.batavianewyork.com](http://www.batavianewyork.com)**

**#XX-2024**

**RESOLUTION TO DECLARE FIRE DEPARTMENT EQUIPMENT SURPLUS FOR  
THE PURPOSE OF DISPOSAL**

**Motion of Councilmember**

**WHEREAS**, The Fire Department has declared the equipment listed below surplus; and

**WHEREAS**, the City of Batavia requires a surplus declaration of property to be made prior to disposal or sale of equipment; and

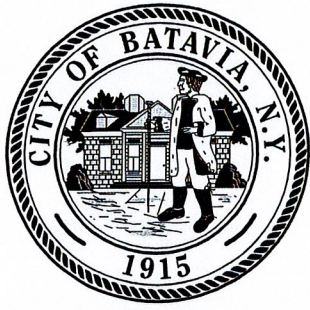
**WHEREAS**, the Fire Department desires to use the proceeds from selling the equipment listed below in order to offset the purchase of future equipment needs by placing the proceeds into the Fire Equipment Reserve account.

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that the City Manager be and hereby is authorized to declare the following as surplus for the purpose of disposal:

2002 Pierce Contender Fire Engine    VIN – 4P1CT02M02A002288

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Batavia does hereby authorize the transfer of the proceeds from the sale of said equipment to the Fire Equipment Reserve Fund.

**Seconded by Councilmember  
and on roll call**



# City of Batavia

## *Memorandum*

To: Rachael Tabelski, City Manager

From: Shawn Heubusch, Chief of Police

Date: January 3, 2024

Subject: 2024 STOP-DWI Award

Attach: Grant Award Documents

On January 3, 2024 the City Police were awarded \$10,284 from the Genesee County STOP-DWI program to provide for specialized patrols targeting drug and alcohol impaired driving, the purchase of equipment that will enhance DWI enforcement and training of personnel in specialized DWI enforcement methods for the calendar year of 2024.

The City of Batavia will benefit greatly from this STOP- DWI funding by enhancing the Police Department's ability to conduct more specialized enforcement details to target alcohol or drug impaired drivers.

The grant also covers costs associated with calibrations/repairs to RADAR units and connection fees associated with one of the Department's "air card".

Feel free to call with any questions you may have. Thank you.

**Police Department  
10 Main Street  
Batavia, New York 14020**



**Phone: 585-345-6350  
Fax: 585-344-1878  
Records: 585-345-6303  
Detective Bureau: 585-345-6370  
[www.batavianewyork.com](http://www.batavianewyork.com)**

#XX-2024

**A RESOLUTION TO AMEND THE 2023-2024 POLICE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A STOP-DWI GRANT IN THE AMOUNT OF \$10,284 TO ADDRESS THE CRIMES OF DRIVING WHILE INTOXICATED AND/OR DRIVING WHILE ABILITY IMPAIRED BY DRUGS**

**Motion of Councilmember**

**WHEREAS**, the City of Batavia Police Department has received additional grant funding in the amount of \$10,284 from THE GENESEE COUNTY STOP-DWI PROGRAM TO COMBAT IMPAIRED DRIVING BY FUNDING SPECIALIZED PATROL FUNCTIONS; and

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

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget amendment to the 2023-2024 budget to cover various initiatives to combat alcohol and drug related traffic offenses:

Increase expenditure accounts	
A.04.3120.3120 199-100001	\$ 8,400.00
A.04.3120.3120.299-100001	\$ 1,500.00
A.04.3120.3120.499-100001	\$ 384.00
Increase revenue accounts	
A.00.0000.0000 3389-100001	\$ 10,284.00

**Seconded by Councilmember  
and on roll call**



# MEMO

**To:** Chief Shawn Heubusch  
City of Batavia Police Department

**From:** Tammi Ferringer  
STOP-DWI Coordinator

**Subject:** 2024 Working Agreement

**Date:** January 3, 2024

I am pleased to announce that your application for funding from the Genesee County STOP-DWI Program has been approved. The exact dollar amount is \$10,284. This is to fund the Enforcement Nights, Calibrations/Repairs, and Supplies.

Enclosed is a copy of your 2024 Working Agreement for the funding awarded you through the Genesee County STOP-DWI Program. Please review this agreement, sign and return to my attention.

Also enclosed you will find monthly report forms relevant to your program and vouchers for your use in requesting reimbursement. These reports and vouchers are due at my office by the 10th of each month. **It is imperative that along with your voucher you submit an activity report showing number of cases, arrests, people, served, etc. for various activities. This is to demonstrate the outcomes for the expenses you are requesting reimbursement for.**

If you have any questions in regard to either the contents of the working agreement or the report forms, please do not hesitate to contact me.

Thank you for your support and cooperation in making Genesee County's STOP-DWI Program one that we can all be proud of.

TSF:vjm

encl.



## STOP-DWI PARTNER AGENCY WORKING AGREEMENT

The Genesee County Special Traffic Options Program for Driving While Impaired (STOP-DWI) Program was established in 1982. A major function of the STOP-DWI Program is to coordinate local efforts to reduce alcohol and other drug related traffic crashes. The program functions as a financially self-sustaining alcohol and highway safety program, with efforts funded entirely from fines paid by convicted impaired drivers.

This document shall serve as a cooperative agreement between the Genesee County STOP-DWI Program and partner agency, **City of Batavia Police Department**. This agreement shall take effect as of **January 1, 2024** and terminate on **December 31, 2024**.

The STOP-DWI Program will provide fiscal management forms for vouchering STOP-DWI related activities. Vouchers and substantiation must be submitted to the STOP-DWI Program administrator by the 10<sup>th</sup> day of each month. Reimbursement will be limited to the provisions delineated in the approved 2024 STOP-DWI Plan.

Program activity reports, including arrest reports of law enforcement agencies, are due to the STOP-DWI Program Coordinator by the 10<sup>th</sup> of each month. If no activity has occurred, such should be indicated on the report form.

Evaluations will be conducted by the STOP-DWI Coordinator to ascertain program effectiveness towards the mission to combat impaired driving. The method of evaluating program performance shall be conducted in a manner mutually agreeable between the Partner Agency and the Coordinator.

Funds in the total amount of **\$10,284** has been allocated under this agreement. Funding may be used as follows:

<b>Special Enforcement Patrols/Overtime</b>	<b>\$8,400</b>
<b>Wireless Modem</b>	<b>\$384</b>
<b>Calibrations/Repairs</b>	<b>\$1,500</b>

This allocation has been authorized by the STOP-DWI Coordinator, STOP-DWI Advisory Board and the New York Governor's Traffic Safety Committee in the 2024 Genesee County STOP-DWI Plan to support the **Law Enforcement** component of the program.

The Governor's Traffic Safety Committee has stipulated that only expenditures presented and approved in the program's annual plan are authorized for reimbursement by the STOP-DWI Program. Any agency seeking to utilize allocated funds in any manner not outlined in this agreement must submit a written request to modify to the STOP-DWI Coordinator. Upon approval the STOP-DWI Coordinator will issue a written approval or denial. Only upon receipt of written approval by the STOP-DWI Coordinator may funds be issued for reimbursement.

Any expenses eligible for direct reimbursement by the Governor's Traffic Safety Committee or funded by another source are not eligible for STOP-DWI funding. For example, Drug Recognition Expert (DRE) court time, DRE certification expenses, and purchases made utilizing outside sponsors are not eligible for STOP-DWI reimbursement. Laptops, radar units and equipment used in part for a purpose other than the mission of the

STOP-DWI are not authorized for reimbursement. Any purchase of this type is subject to further justification, apportionment and prior approval of the STOP-DWI Coordinator and the Governor's Traffic Safety Committee.

The STOP-DWI Coordinator reserves the right to reject (partially or fully) any claims for reimbursement for the following reasons:

- Insufficient funds available to the STOP-DWI Program.
- Expenditures which are not in the program's established budget or plan.
- Expenditures made without expressed prior approval.
- Absent reporting more than sixty (60) days in arrears.

**Partner Agency**

**Approved By:**

\_\_\_\_\_  
Chief Shawn Heubusch  
City of Batavia Police Department

\_\_\_\_\_  
Date Signed

**STOP-DWI Program**

**Approved By:**

\_\_\_\_\_  
Tammi Ferringer  
STOP-DWI Coordinator

\_\_\_\_\_  
Date Signed