

ZONING BOARD OF APPEALS
Thursday, September 27, 2018

6:00 pm

Council Board Room
One Batavia City Centre, Batavia, NY

AGENDA

- I. Roll Call
- II. Call to order
- III. Pledge of Allegiance
- IV. Approval of August 23, 2018 minutes
- V. Statement about the role of the Zoning Board of Appeals and the procedure it follows
- VI. Variance Requests

A. Request #1 *107 Oak St.*
Kathleen Curtiss, owner

Area Variances: Placement of 6' tall wood frame fence parallel to the north property line with the framing members visible from the neighboring property to the north

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

B. Request #2 *7 Burke Dr.*
John Bryant DeGolia, owner

Area Variance: Widen an existing 20' wide asphalt driveway by placing 12.58' of asphalt to the east (right) side of the existing driveway

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

C. Request #3 *126 Osterhout Ave.*
Christopher Valle, owner

Area Variance: Construct a deck within the required front yard clear space driveway

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

D. Request #4

100-102 West Main St.
Rex Cameron (Tritec Construction)

Area Variance: Place a 24' x 30' fuel station pump canopy on this property within the front yard clear space

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

E. Request #5

527 West Main St.
Bryan Galus (McDonald's USA LLC)

Area Variance: Place seven non-permitted free standing/pole signs on this property

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

F. Request #6

552, 554, and 556 East Main St. (Home Leasing Project)
Matt Tomlinson (Marathon Engineering)

1. Review application
2. Action by the board

Extend the time limit condition to obtain the permit for two previously approved area variances

VII. Setting of Next Meeting: October 25, 2018

VIII. Adjournment

ZONING BOARD OF APPEALS
Draft Minutes
Thursday, August 23, 2018
6:00 pm
Council Board Room
One Batavia City Centre, Batavia, NY

Members present: *Bill Cox, Deborah Kerr-Rosenbeck, Paul McCarthy, Leslie Moma, Jim Russell*

Members absent: Nick Harris

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

I. Roll Call

Roll call of the members was conducted. Five members were present and Chairman McCarthy declared a quorum.

II. Call to Order

Mr. McCarthy called the meeting to order at 6:00 pm.

III. Pledge of Allegiance

IV. Approval of Minutes

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

RESULT: Approval of July 26, 2018 minutes.

V. Zoning Board of Appeals statement

Mr. McCarthy explained the role of the Zoning Board of Appeals and the procedures it follows.

VI. Variance Requests

Area Variance: conversion of a former four-family dwelling into a two-family dwelling with two off street parking spaces in an existing building that occupies most of this parcel

Address: *13 Porter Ave.*

Applicant: Gerald Freeman, agent for owner

Actions: 1. Review applications
2. Public hearing and discussion
3. Action by the board

1. Review Application

Acting Vice Chair Deborah Kerr-Rosenbeck read the summary of the proposal. Mr. McCarthy reported that the Genesee County Planning Board recommended approval of the variance request; the City of Batavia Planning and Development Committee recommended approval as well.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Cox, and on roll call, was approved 5-0.

RESULT: Public hearing opened at 6:04 pm.

Cheryl Freeman, daughter of the applicant was available to answer questions regarding the project.

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Russell, and on roll call, was approved 5-0.

RESULT: Public hearing closed at 6:05 pm.

3. Action by the Board

Mr. Randall explained that the driveway that is proposed is the existing driveway; it will not be expanded. Mr. Russell clarified that there will be no parking in the front of the house.

Mr. McCarthy went through the list of supporting criteria for the variance:

- Undesirable change in neighborhood character: no
- Alternative cure sought: it was tried and failed
- Substantiality: no
- Adverse effect or impact on neighborhood/community: no
- Self-created: no, it's a small city lot

MOTION: Mr. Russell moved to approve the proposal with the understanding that the parking spaces are within the driveway. The motion was seconded by Mr. McCarthy, and on roll call, was approved 5-0.

RESULT: Area Variance approved.

VII. New Business: none

VIII. Setting of Next Meeting: September 27, 2018

IX. Adjournment

Mr. McCarthy moved to adjourn the meeting at 6:08 pm; Mr. Cox seconded. All voted in favor.

Meg Chilano
Bureau of Inspection Secretary



GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID **C-10-BAT-9-18**

Review Date **9/13/2018**

Municipality
Board Name
Applicant's Name

BATAVIA, C.
ZONING BOARD OF APPEALS
Kathleen P. Curtiss

Referral Type
Variance(s)
Description:

Area Variance(s)
Area Variance to install a wooden fence with posts and rails on the side facing the neighboring property.
Per City zoning regulations a fence designed to be structurally supported by posts, cross members or rails on one side only shall be erected with the posts, cross members or rails on the fence owner's side, and the finished side of the fence shall face adjacent properties.

Location
Zoning District


107 Oak St. (NYS Rt. 98), Batavia
Residential (R-1) District

PLANNING BOARD DECISION

APPROVAL WITH MODIFICATION(S)

EXPLANATION:

The required modification is that the applicant get consent from the neighbor. With this required modification, the proposed fence should pose no significant county-wide or inter-community impact.


Director

September 13, 2018

Date

If the County Planning Board disapproved the proposal, or recommends modifications, the referring agency shall NOT act contrary to the recommendations except by a vote of a majority plus one of all the members and after the adoption of a resolution setting forth the reasons for such contrary action. Within 30 days after the final action the referring agency shall file a report of final action with the County Planning Board. An action taken form is provided for this purpose and may be obtained from the Genesee County Planning Department.

GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION



GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID **C-11-BAT-9-18**
Review Date **9/13/2018**


Municipality	BATAVIA, C.
Board Name	CITY PLANNING AND DEVELOPMENT COMM.
Applicant's Name	Bryan Galus (McDonald's USA LLC)
Referral Type	
Variance(s)	Area Variance(s)
Description:	Area Variance to place/replace 7 signs for an existing drive-thru restaurant (McDonalds).
Location	527 W. Main St. (NYS Rt. 5), Batavia
Zoning District	General Commercial (C-2) District

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

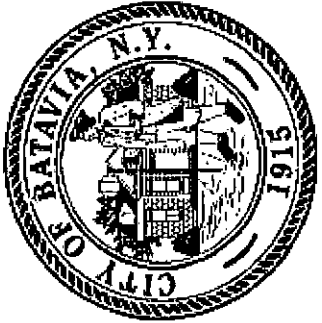
Given that the proposed signs are customary for such drive-thru restaurants and do not differ substantially from what is currently in place, the proposed signs should pose no significant county-wide or inter-community impact. It is recommended that the City's sign code be amended to address menu boards and drive-thru directional signage.


Director

September 13, 2018

Date

If the County Planning Board disapproved the proposal, or recommends modifications, the referring agency shall NOT act contrary to the recommendations except by a vote of a majority plus one of all the members and after the adoption of a resolution setting forth the reasons for such contrary action. Within 30 days after the final action the referring agency shall file a report of final action with the County Planning Board. An action taken form is provided for this purpose and may be obtained from the Genesee County Planning Department.



City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020

(585)-345-6345

(585)-345-1385 (fax)

To: Genesee County Planning
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 7/23/18

Re: 107 Oak St.
Tax Parcel No. 84.006-2-8

Zoning Use District: R-1

The applicant, Kathleen P. Curtiss (owner) has filed an application to place a 6' tall wood frame fence parallel to the north property line with the framing members visible from the neighboring property to the north.

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

Review and Approval Procedures:

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

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

Required variances- Area

- 1) **BMC 190-33 D.** A fence designed to be structurally supported by posts, cross members or rails on one side only shall be erected with the posts, cross members or rails on the fence owners side, and the finished side of the fence shall face adjacent properties.

SEND OR DELIVER TO:

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



*** GENESEE COUNTY *
PLANNING BOARD REFERRAL**

DEPARTMENT USE ONLY:

GCDP Referral # _____

Required According to:

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

1. REFERRING BOARD(S) INFORMATION

Board(s) Zoning Board of Appeals

2. APPLICANT INFORMATION

Name Kathleen P. Curtiss

Address One Batavia City Centre

Address 5084 Fox Rd.

City, State, Zip Batavia, NY 14020

City, State, Zip Wyoming, NY 14020

Phone (585) 345 - 6347 Ext. _____

Phone (585) 356 - 9686 Ext. _____

Email _____

MUNICIPALITY: ☒ City ☐ Town ☐ Village of Batavia

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

- ☒ Area Variance
☐ Use Variance
☐ Special Use Permit
☐ Site Plan Review

- ☐ Zoning Map Change
☐ Zoning Text Amendments
☐ Comprehensive Plan/Update
☐ Other: _____

- Subdivision Proposal
☐ Preliminary
☐ Final

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

A. Full Address 107 Oak St.

B. Nearest intersecting road Pickthorn

C. Tax Map Parcel Number 84.006-2-8

D. Total area of the property _____

Area of property to be disturbed _____

E. Present zoning district(s) R-1

5. REFERRAL CASE INFORMATION:

A. Has this referral been previously reviewed by the Genesee County Planning Board?

☒ NO ☐ YES If yes, give date and action taken _____

B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law

BMC 190-33 D

C. Please describe the nature of this request Approval to place a fence with the framing visible from the neighboring property.

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

- ☒ Local application
☒ Site plan
☐ Subdivision plot plans
☐ SEQR forms

- ☐ Zoning text/map amendments
☐ Location map or tax maps
☐ Elevation drawings
☐ Agricultural data statement

- ☐ New or updated comprehensive plan
☒ Photos
☒ Other: Cover letter

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17.

Email to planning@co.genesee.ny.us

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

Name Douglas Randall

Title Code Enf. Officer

Phone (585) 345 - 6327 Ext. _____

Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020

Email drandall@batavianewyork.com



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____
Hearing Date/Time: _____

APPLICANT:

Kathleen P. Curchiss

Name _____ E-Mail Address _____
107 Oak St. 585-356-9686
Street Address _____ Phone _____ Fax _____
Batavia NY 14020
City _____ State _____ Zip _____

STATUS: ☒ Owner

____ Agent for Owner

____ Contractor

OWNER:

Kathleen P. Curchiss

Name _____ E-Mail Address _____
5084 Fox Rd. 585-356-9686
Street Address _____ Phone _____ Fax _____
Wapping NY 14020
City _____ State _____ Zip _____

LOCATION OF PROPERTY:

107 Oak St. Batavia, NY.

DETAILED DESCRIPTION OF REQUEST:

Preserve the smooth sided fence to face our property. Neighbor does not care if rough side faces him. Mrs. 96 yr. old mom still lives there. I would like to see the smooth side as it originally was.

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

Applicant's Signature

Kathleen P. Curchiss

Date

7/18/18

Owner's Signature

Kathleen P. Curchiss

Date

7/18/18

To be Filled out by Zoning Officer

TAX PARCEL: 84.006-2-8 **ZONING DISTRICT:** R-1 **FLOOD PLAIN:** C

TYPE OF APPEAL:

☒ Area Variance
____ Use Variance
____ Interpretation
____ Decision of Planning Committee

FEE: ☒ \$50 (One or Two Family Use)
____ \$100 (All other Uses)

Provision(s) of the Zoning Ordinance Appealed:

BMC 190-33 D. Fence Grading
Neighbor shall be exposed to the owners side of the fence

Criteria to Support Area Variance

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

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

1. **Undesirable Change in neighborhood Character.** The granting of the variance will not produce an undesirable change in the neighborhood or a detriment to nearby properties.

NO

2. **Alternative Cure Sought.** There are no other means feasible for the applicant to pursue that would result in the difficulty being avoided or remedied, other than the granting of the area variance.

I would pursue my 90 day old mom to look at the smoggy side while she had. my neighbor does not care if rough side faces her.

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

4. **Adverse Effect or Impact.** The requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or community.

NO

5. **Not Self-Created.** The alleged difficulty existed at the time of the enactment of the provision or was created by natural force or governmental action, and was not the result of any action by the owner or the predecessors in title.

just a pre existing fence that was damaged by flea over

Kathleen P. Curless

Applicant's Signature

7/18/18

Date

DATE: _____
APPLICANT NAME & PHONE: _____

Project Location and Information Permit #: _____ Fee: _____

Address of Project: 107 Oak St Batavia, N.Y.
Owner & Address: Patricia P. Curdino 5084 Fox Rd. Indianapolis, N.Y.
Phone: 585-356-9686

Project Type/Describe Work

Estimated cost of work: 2700.00 Start date: Aug. 2018

Describe project:

replace existing fence that was damaged by weather.

Contractor Information – Insurance certificates (liability & workers comp) required being on file OK

GENERAL

Name/Address: Rick Saunders 445 Fencing
Phone: 716-474-3470

PLUMBING (City of Batavia Licensed Plumber Required)

Name/Address: _____
Phone: _____

HEATING

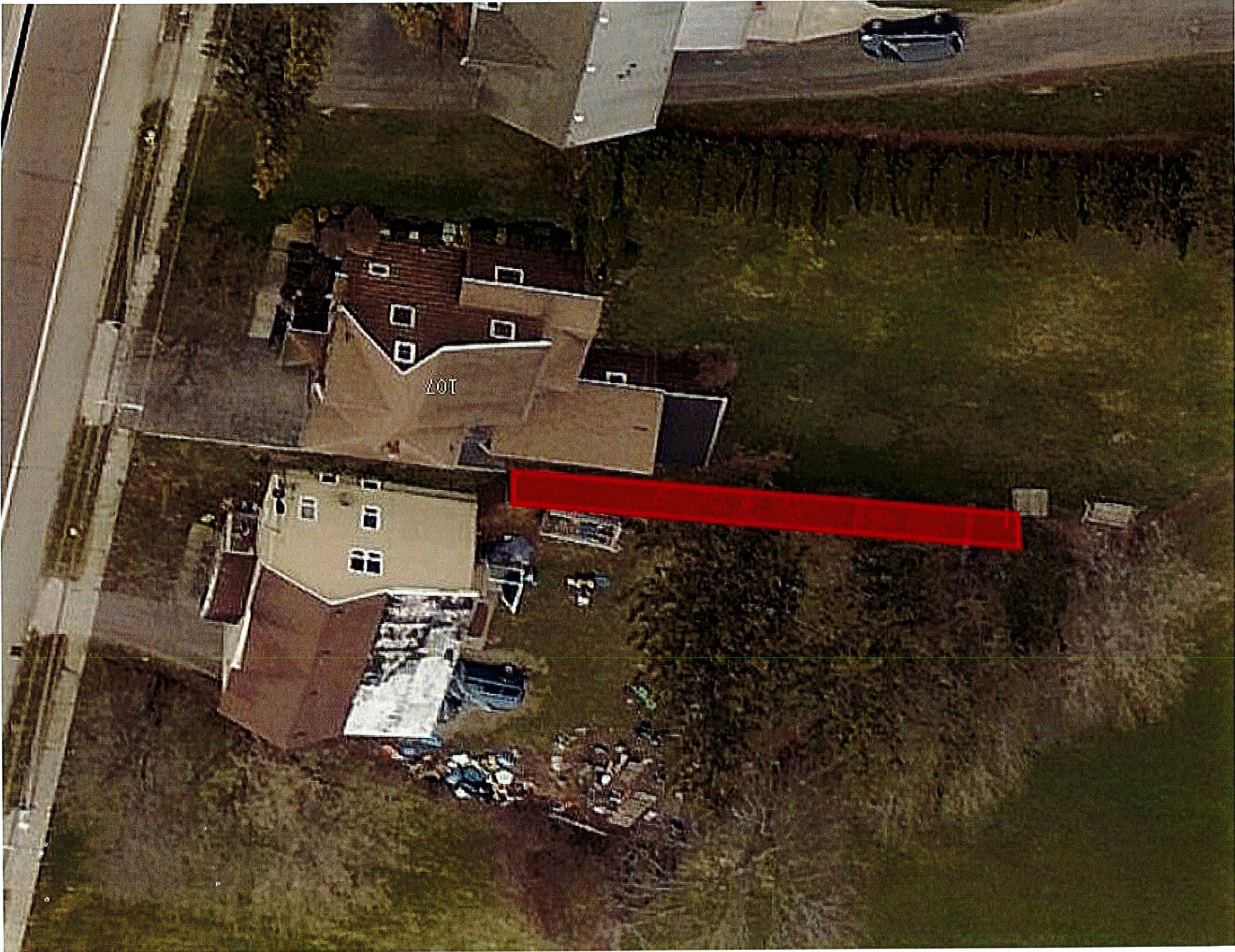
Name/Address: _____
Phone: _____

ELECTRICAL (Third Party Electrical Inspection Required)

Name/Address: _____
Phone: _____

FOR OFFICE USE ONLY

Zoning District: R-1 Flood Zone: NO Corner Lot: NO Historic District/Landmark: NO
Zoning Review: _____ Variance Required: _____ Site Plan Review: _____ Other: _____
National Grid Sign Off (Pools): N/A Lot Size: 67x166
Existing Use: _____ NYS Building Code Occupancy Class: _____
Proposed Use: _____ NYS Building Code Occupancy Class: _____



DAVID S. LAMENDOLA
GREGORY W. TOWNSEND
Licensed Land Surveyors
435 East Main Street
Batavia, New York 14020
Phone (585) 344-1331
Fax (585) 343-2691

LEGEND

- Ⓢ EXISTING IRON STAKE
 ○ SET IRON PIN

"UNAUTHORIZED ALTERATION OR ADDITIONS
TO A SURVEY MAP BEARING A LICENSED LAND
SURVEYOR'S SEAL IS A VIOLATION OF SECTION
7209, SUB-DIVISION 2, OF THE NEW YORK
STATE EDUCATION LAW."

"ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES."

"CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATION SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS/HER BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATION ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS."

BOUNDARY SURVEY SHOWING THE PARCEL
TO BE CONVEYED BEING PART OF VILLAGE
LOT NO. 8, TOWNSHIP 12, RANGE 2.
SITUATE IN THE CITY OF BATAVIA, COUNTY
OF GENESEE AND STATE OF NEW YORK

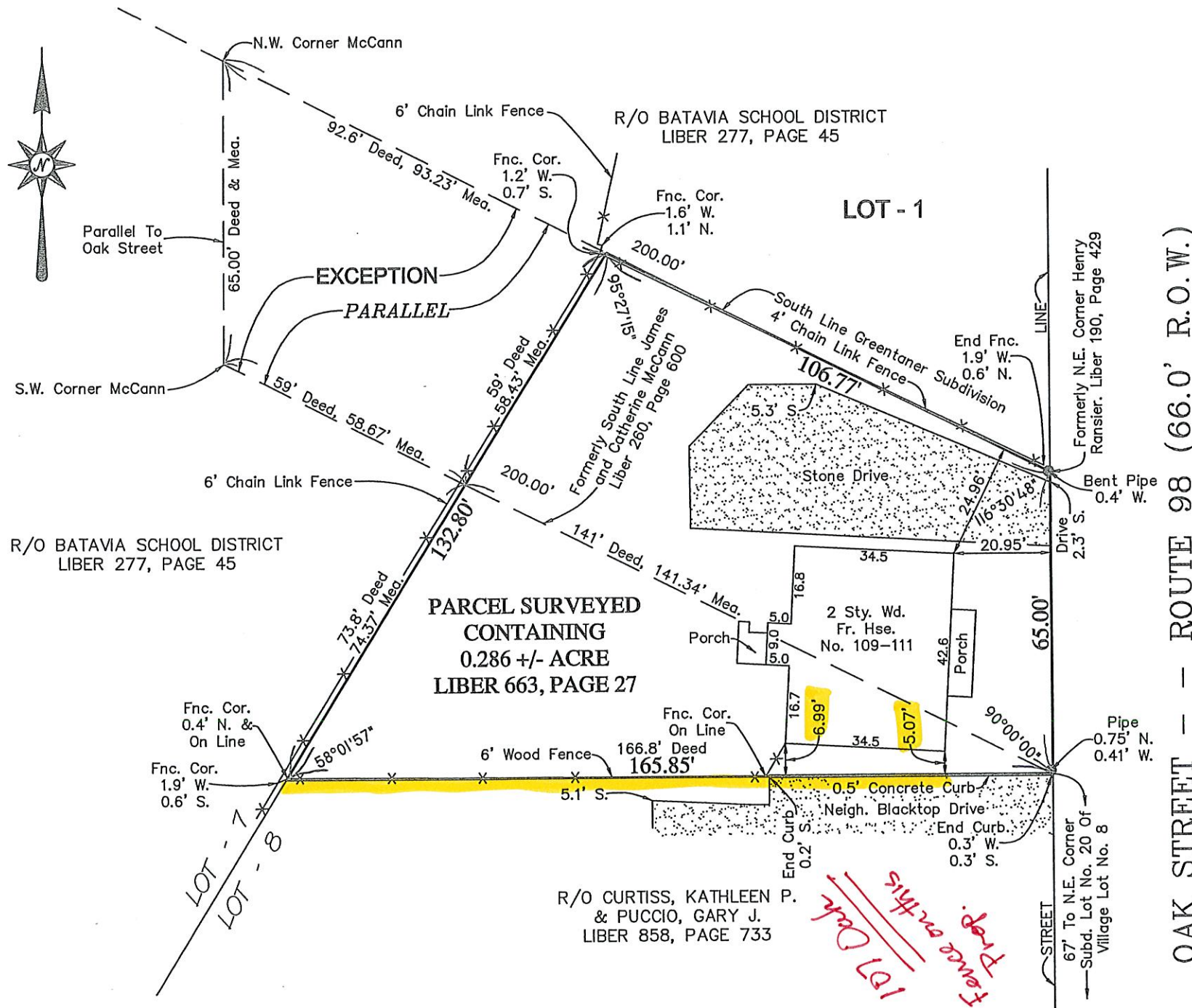
JUNE 15, 2010

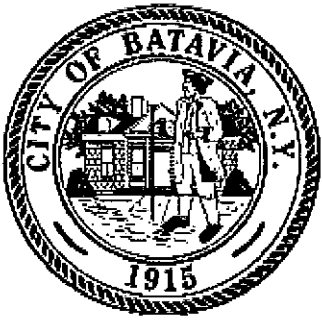
SCALE 1" = 30'

JOB NO. 10-157

DATE _____

N.Y.S.R.L.S. No. 50249





City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020

(585)-345-6345

(585)-345-1385 (fax)

To: Planning and Development Committee
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 8/27/18

Re: 7 Burke Dr.
Tax Parcel No. 71.018-2-17

Zoning Use District: R-1

The applicant, John Bryant DeGolia (owner), has applied for a permit to widen an existing 20' wide asphalt driveway by placing 12.58' of asphalt to the east (right) side of the existing driveway.

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

Review and Approval Procedures:

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

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

Required variances- Area

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

	<u>Permitted</u>	<u>Proposed</u>	<u>Difference</u>
Driveway width	20' (25%)	32.58' (41%)	12.58' (16%)



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____

Hearing Date/Time: _____

APPLICANT: John Bryant DeGolia johndegolia@gmail.com
Name E-Mail Address
7 Burke Dr. 585 356 9497
Street Address Phone Fax
Batavia NY 14020
City State Zip

STATUS: ☒ Owner ☐ Agent for Owner ☐ Contractor

OWNER: John Bryant DeGolia johndegolia@gmail.com
Name E-Mail Address
7 Burke Dr. 585 356 9497
Street Address Phone Fax
Batavia NY 14020
City State Zip

LOCATION OF PROPERTY: 7 Burke Dr. Batavia, NY 14020

DETAILED DESCRIPTION OF REQUEST: Expand existing driveway as per drawing attached.

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

John B. DeGolia 7/30/2018
Applicant's Signature Date
John B. DeGolia 7/30/2018
Owner's Signature Date

To be Filled out by Zoning Officer

TAX PARCEL: 71.018-2-17 ZONING DISTRICT: R-1 FLOOD PLAIN: C
TYPE OF APPEAL: ☒ Area Variance ☐ Use Variance ☐ Interpretation ☐ Decision of Planning Committee
FEE: ☒ \$50 (One or Two Family Use) ☐ \$100 (All other Uses)

Provision(s) of the Zoning Ordinance Appealed: _____

Criteria to Support Area Variance

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

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

1. **Undesirable Change in neighborhood Character.** The granting of the variance will not produce an undesirable change in the neighborhood or a detriment to nearby properties.
There are other properties on Bucke Dr with similar driveway extensions to what is proposed.
2. **Alternative Cure Sought.** There are no other means feasible for the applicant to pursue that would result in the difficulty being avoided or remedied, other than the granting of the area variance. No alternative available.
3. **Substantiality.** The requested area variance is not substantial. _____
4. **Adverse Effect or Impact.** The requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or community.
Addition to driveway does not adversely affect physical/environment of neighborhood or community.
5. **Not Self-Created.** The alleged difficulty existed at the time of the enactment of the provision or was created by natural force or governmental action, and was not the result of any action by the owner or the predecessors in title. _____

John B. Baffi
Applicant's Signature

7/30/2018
Date



Permit No. _____
Date: _____

DRIVEWAY AND PARKING SPACE PERMIT
\$10 fee – Please attach Survey / Illustration

APPLICANT: John Boyant DeGolia johndegolia@gmail.com
Name E-mail Address
7 Burke Dr 585 356 9497
Street Address Phone
Batavia NY 14020
City State Zip
☒ Owner ☐ Agent for Owner ☐ Contractor

OWNER: <same as above>
Name E-mail Address
Street Address Phone
City State Zip

ADDRESS OF PROPERTY: 7 Burke Dr. Batavia, NY 14020

DIMENSIONS OF EXISTING DRIVEWAY: Width 20' Length 24.16'

DIMENSIONS OF NEW DRIVEWAY / ADDITION: Width 12' 7" Length 37' 11"

SURFACE MATERIAL: Existing Asphalt Proposed Asphalt

John B. DeGolia 7/30/2018
Applicant's Signature Date

John B. DeGolia 7/30/2018
Owner's Signature Date

To be filled out by Zoning Enforcement Officer

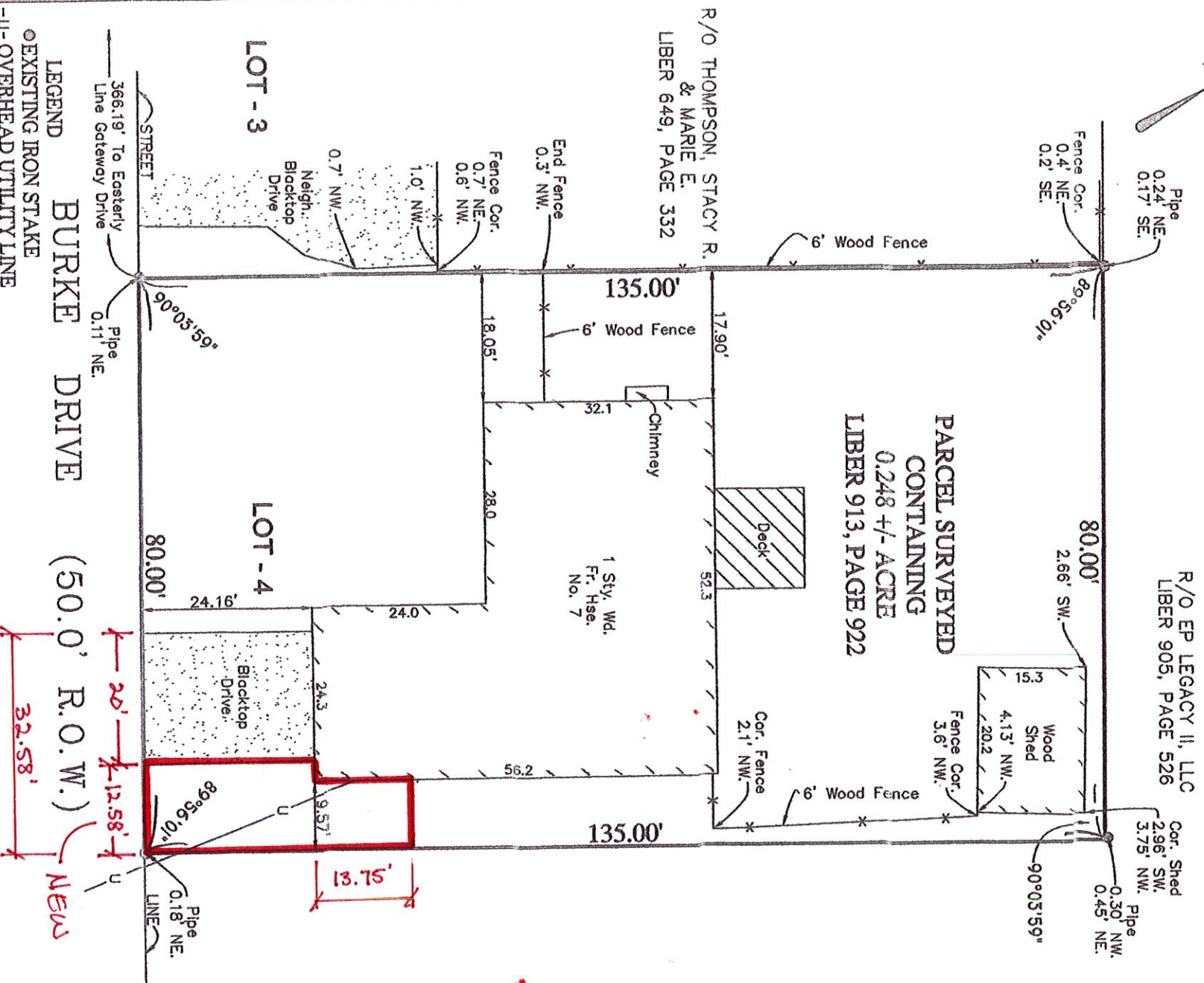
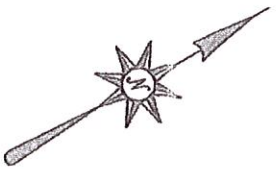
TAX PARCEL: _____ ZONING DISTRICT: _____ SURVEY: _____
DIMENSIONS OF LOT: Lot Frontage _____ Front Yard _____
PERCENTAGE OF LOT FRONTAGE: _____ SURFACE MATERIAL: _____
APPROVED: _____ AREA VARIANCE: _____ GRADE PLAN: _____
ISSUING OFFICER: _____ DATE: _____

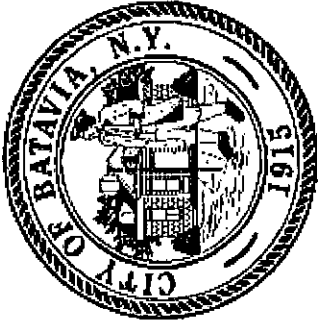
20' permitted (2.5%) 20' Existing.
32.58' Proposed (41%)
12.58' (16%) over ZBA Reg.



BURKE DR

Burke Drive





City of Batavia
Department of Public Works
Bureau of Inspections

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

To: Zoning Board of Appeals
From: Doug Randall, Code Enforcement Officer
Date: 8/29/18
Re: 126 Osterhout Ave.
Tax Parcel No. 84.082-2-25
Zoning Use District: R-1A

The applicant, Christopher Valle (owner), has filed an application to construct a deck within the required front yard clear space.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (10).

Review and Approval Procedures:

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

Required variances- Area

1) BMC Sec. 190-29 A. and Schedule I

	<u>Required</u>	<u>Proposed</u>	<u>Difference</u>
Front yard	20'	10.89'	9.11'



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 18-18
Hearing Date/Time: _____

APPLICANT:

Christopher Valle

Name _____ E-Mail Address _____
Street Address 126 Osterhout Ave 585 3433602 -
City BATAVIA NY Phone 13020 Fax _____
State _____ Zip _____

STATUS: T Owner _____ Agent for Owner _____ Contractor _____

OWNER: SAME

Name _____ City of Batavia
Street Address _____ Clerk-Treasurer _____
Phone _____ Fax _____

City _____ State _____ Zip _____

LOCATION OF PROPERTY: 126 Osterhout Ave BATAVIA NY

DETAILED DESCRIPTION OF REQUEST: Build Porch on front of
PROPERTY 7' DEEP by 10' WIDE with no
Roof ABOVE

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

Applicant's Signature _____

Date 8/28/18

Owner's Signature _____

Date 8/28/18

To be Filled out by Zoning Officer

TAX PARCEL: 84.082-2-25 **ZONING DISTRICT:** R-1A **FLOOD PLAIN:** C

TYPE OF APPEAL:

- ☒ Area Variance
☐ Use Variance
☐ Interpretation
☐ Decision of Planning Committee

FEE: ☒ \$50 (One or Two Family Use)
☐ \$100 (All other Uses)

Provision(s) of the Zoning Ordinance Appealed: _____

Criteria to Support Area Variance

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

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

1. Undesirable Change in neighborhood Character. The granting of the variance will not produce an undesirable change in the neighborhood or a detriment to nearby properties.

NO. PORCH WILL BE SIMILAR SIZE + MATERIALS OF NEARBY PROPERTIES.

2. Alternative Cure Sought. There are no other means feasible for the applicant to pursue that would result in the difficulty being avoided or remedied, other than the granting of the area variance.

YES. CODE STATES NO PORCH SHALL BE BUILT WITHIN 20' OF SIDEWALK WHICH WOULD PREVENT ME FROM BUILDING A PORCH AT ALL. NO OTHER MEANS FEASIBLE

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

4. Adverse Effect or Impact. The requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or community.

NO ADVERSE EFFECT OR IMPACT ON NEIGHBORHOOD AS IT WILL BE A REASONABLE PORCH

5. Not Self-Created. The alleged difficulty existed at the time of the enactment of the provision or was created by natural force or governmental action, and was not the result of any action by the owner or the predecessors in title.

THE EXISTING PORCH HAS BEEN DETRIBUTED TO THE POINT OF BEING UNSAFE. WAS NOT SELF-CREATED

8/28/18 Chg Valtz
Applicant's Signature

8/28/18
Date

CITY OF BATAVIA

BUILDING PERMIT APPLICATION

DATE: 7/26/18APPLICANT NAME & PHONE: Christopher Valle 343-3602Project Location and Information

Permit #: _____ Fee: _____

Address of Project: 126 Osterhout Ave Batavia NYOwner & Address: Christopher Valle 126 Osterhout AvePhone: 585 343 3602 or 585 409 1238Project Type/Describe WorkEstimated cost of work: 2,000 \$Start date: 7/30/18Describe project: 7' x 10' WOODEN Deck PorchNo Roof ABOVE20' setback Req.
10.89' Proposed: 8'
9.17' dis.Contractor Information – Insurance certificates (liability & workers comp) required being on fileGENERALSELF

Name/Address: _____

Phone: _____

PLUMBING (City of Batavia Licensed Plumber Required)

Name/Address: _____

Phone: _____

HEATING

Name/Address: _____

Phone: _____

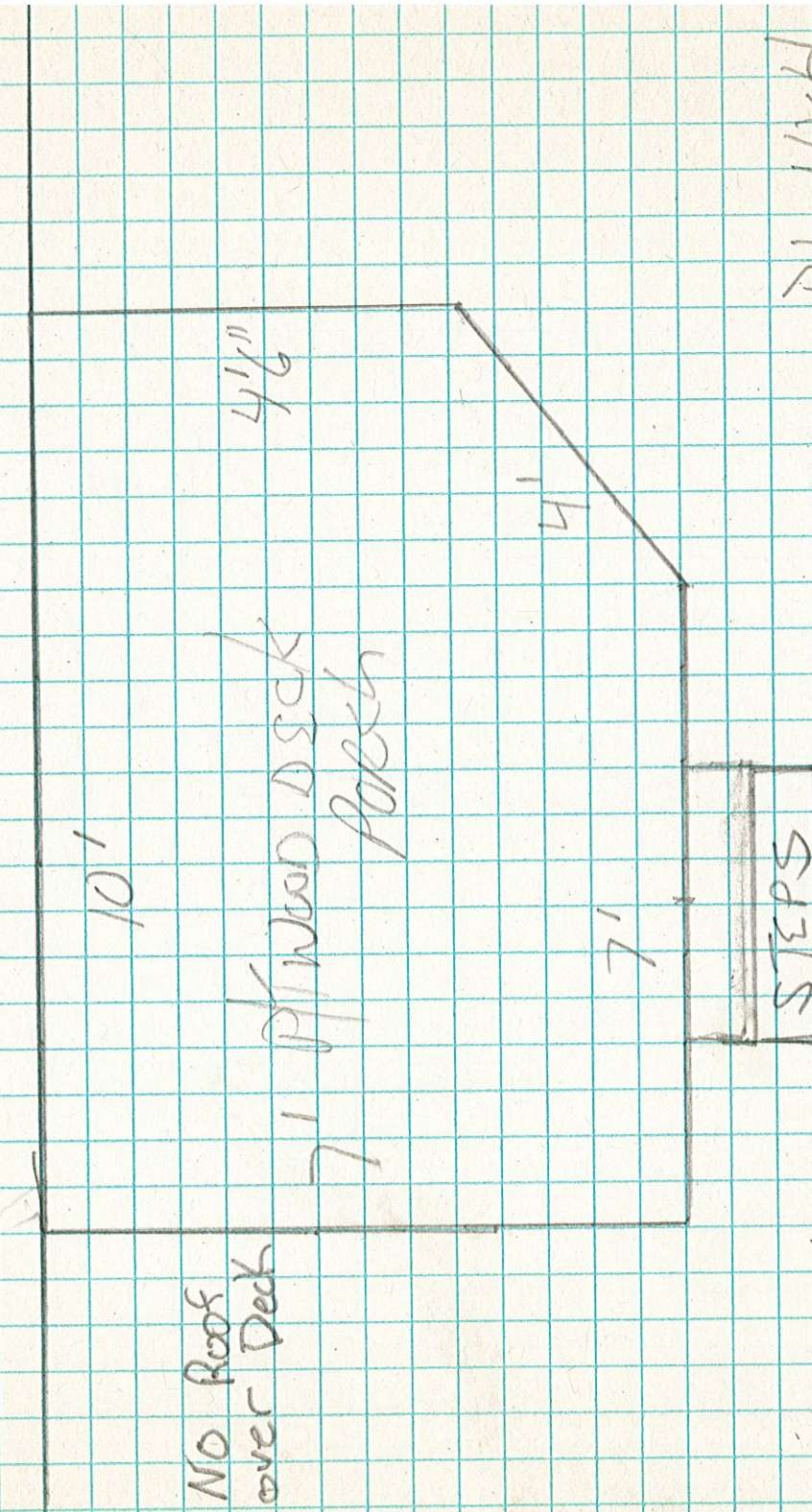
ELECTRICAL (Third Party Electrical Inspection Required)

Name/Address: _____

Phone: _____

FOR OFFICE USE ONLYZoning District: R-1A Flood Zone: X500 Corner Lot: NO Historic District/Landmark: NOZoning Review: _____ Variance Required: NA Site Plan Review: _____ Other: _____National Grid Sign Off (Pools): _____ Lot Size: 70 x 106Existing Use: 1 family NYS Building Code Occupancy Class: _____Proposed Use: Same NYS Building Code Occupancy Class: _____

HOUSE



NO ROOF
over Deck

7' P/WOOD DECK
PARKH

STEPS

2x8 Joist 16" on center
Railings around entire Perimeter
Railings Both Side of Steps

4-Posts 4x4
on Pillers Paired
48" Deep

Joist Hangers on all Joist

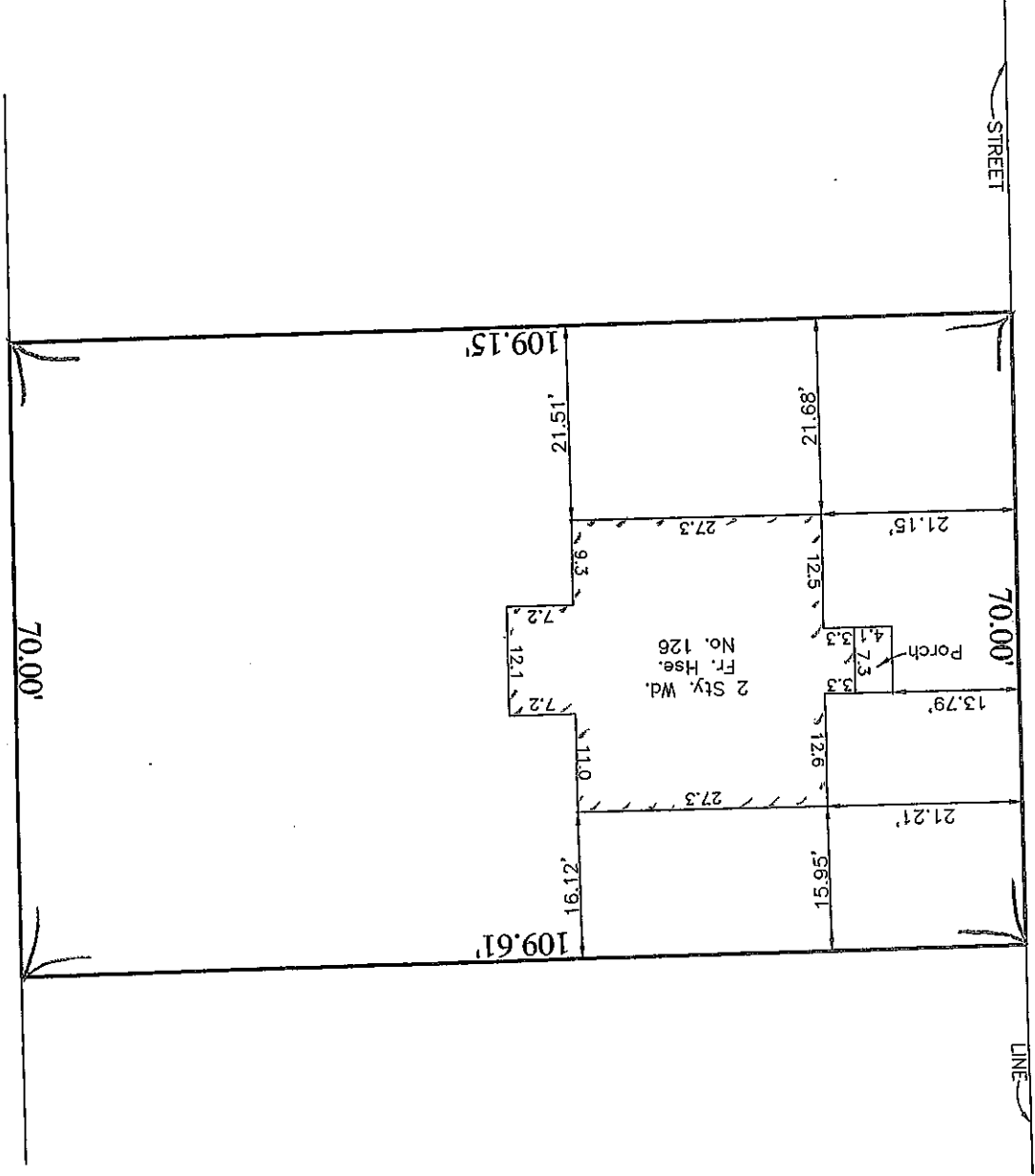
14g bolts $6\frac{1}{2}" \times \frac{1}{2}"$
every 12" against House
carriage Bolts through 4x4 Posts
into Joist All galvanized

OSTERHOUT AVE

PT 4x4
ON CONCRETE
TUBES 48"
DEEP



OSTERHOUT AVENUE (59.0' R.O.W.)



SKETCH SHOWING OFFSETS TO
EXISTING HOUSE NO. 126
OSTERHOUT AVENUE TO STREET
LINE AND PROPERTY LINES

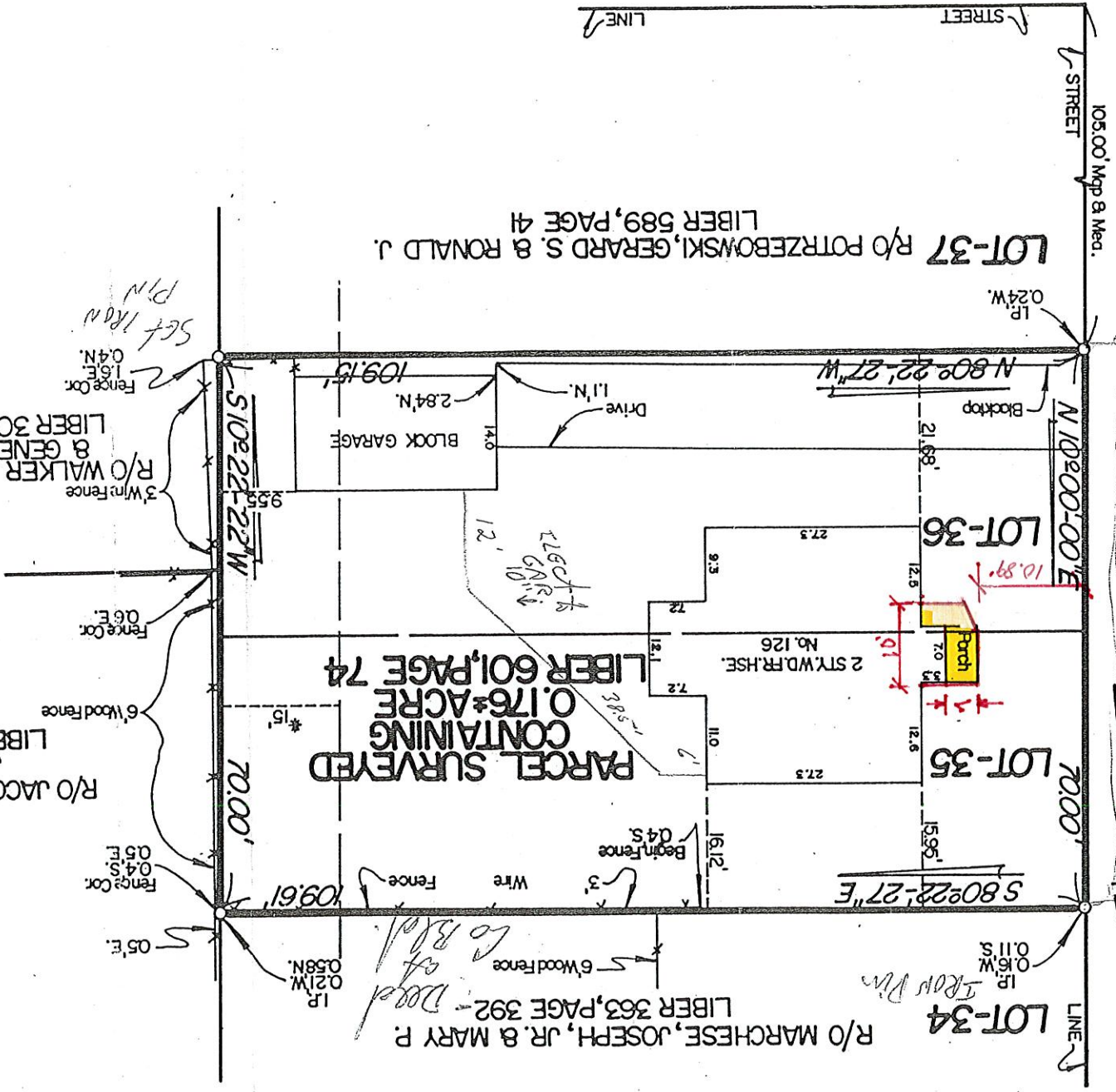
AUGUST 23, 2018
SCALE 1" = 20'

DATE N.Y.S.R/L.S. No. 50249



GREGORY W. TOWNSEND
Licensed Land Surveyor
115 Washington Avenue
Batavia, New York 14020
Phone (585) 344-1381
Fax (585) 219-4813

OSTERHOUT AVENUE (59.0' R.O.W.)



LEGEND
EXISTING IRON STAKE
SET IRON PIN

REFERENCES
CHANCY S. KIBBE SUBDIVISION FILED AT
BOOK 2 OF MAPS, PAGE 57.
* RIGHT OF WAY TO SOCONY-VACUUM OIL CO.,
INC. AT LIBER 285, PAGE 102.

R/O JACOBS, JAMES L. &
JENNIFER M.
LIBER 628, PAGE 337

PARCEL SURVEYED
0.176± ACRE
CONTAINING
LIBER 601, PAGE 74

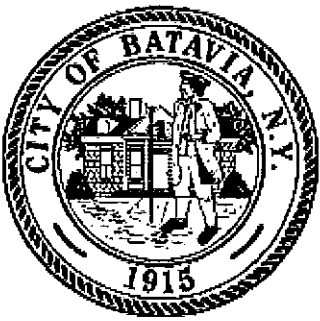
R/O WALKER, JAMES
& GENEVIEVE
LIBER 301, PAGE 341

LOT-37
R/O POTRZEBOWSKI, GERARD S. & RONALD J.
LIBER 589, PAGE 41

BOUNDARY SURVEY SHOWING THE PARCEL
TO BE CONVEYED BEING PART OF ORIGINAL
VILLAGE LOT NO. 37, DISTINGUISHED AS
SUBDIVISION LOTS NOS. 35 AND 36 OF THE
CHANCY S. KIBBE SUBDIVISION, SITUATE
IN THE CITY OF BATAVIA, COUNTY OF
GENESEE AND STATE OF NEW YORK.
NOVEMBER 24, 1997
JOB NO 97-186
SCALE 1"=20'

DAVID S. LAMENDOLA, L.S.
206 EAST MAIN ST.
BATAVIA, NY 14020
(716) 344-1331

DATE 02-3-1997
NY.S.R.L.S. NO. 49613



City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020

(585)-345-6345

(585)-345-1385 (fax)

To: Genesee County Planning
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 8/30/18

Re: 100-102 West Main St.
Tax Parcel No. 84.048-1-20

Zoning Use District: C-2

The applicant, Rex Cameron (Tritec Construction), has filed an application to place a 24' x 30' fuel station pump canopy on this property within the front yard clear space.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (7).

Review and Approval Procedures:

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

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

Required variances- Area

1) BMC Sec. 190-29 A. and Schedule I

	<u>Required</u>	<u>Proposed</u>	<u>Difference</u>
Front yard	25'	5.94'	19.06'

SEND OR DELIVER TO:

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

DEPARTMENT USE ONLY:

GCDP Referral # _____



*** GENESEE COUNTY ***
PLANNING BOARD REFERRAL

Required According to:

GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N

(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATIONBoard(s) Zoning Board of AppealsAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345 - 6347 Ext. _____**2. APPLICANT INFORMATION**Name Rex Cameron (Tritec Construction)Address 440 Bartell LaneCity, State, Zip Webster, NY 14580Phone (585) 507 - 3717 Ext. _____ Email _____MUNICIPALITY: ☒ City ☐ Town ☐ Village of Batavia**3. TYPE OF REFERRAL:** (Check all applicable items)☒ Area Variance☐ Use Variance☐ Special Use Permit☐ Site Plan Review☐ Zoning Map Change☐ Zoning Text Amendments☐ Comprehensive Plan/Update☐ Other: _____

Subdivision Proposal

☐ Preliminary☐ Final**4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:**A. Full Address 100-102 West Main St.B. Nearest intersecting road DellingerC. Tax Map Parcel Number 84.048-1-20

D. Total area of the property _____ Area of property to be disturbed _____

E. Present zoning district(s) C-2**5. REFERRAL CASE INFORMATION:**

A. Has this referral been previously reviewed by the Genesee County Planning Board?

☒ NO ☐ YES If yes, give date and action taken _____

B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law

BMC 190-29 A and Schedule IC. Please describe the nature of this request Approval to place a fuel pump canopy within the front yard clear space**6. ENCLOSURES** – Please enclose copy(s) of all appropriate items in regard to this referral☒ Local application☒ Site plan☐ Subdivision plot plans☐ SEQF forms☐ Zoning text/map amendments☐ Location map or tax maps☒ Elevation drawings☐ Agricultural data statement☐ New or updated comprehensive plan☒ Photos☒ Other: Cover letter

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17.

Email to planning@co.genesee.ny.us**7. CONTACT INFORMATION** of the person representing the community in filling out this form (required information)Name Douglas Randall Title Code Enf. Officer Phone (585) 345 - 6327 Ext. _____Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020 Email drandall@batavianewyork.com



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 18-13
Hearing Date/Time: _____

APPLICANT: Rex Cameron Tritec Construction
Name _____ E-Mail Address _____
440 Bartell Lane 585507-3771 585-329-6128
Street Address _____ Phone _____ Fax _____
Webster NY 14580
City _____ State _____ Zip _____

STATUS: ☐ Owner ☐ Agent for Owner ☒ Contractor

OWNER: Farhan David-100 West main Inc.
Name 100-102 E-Mail Address _____
100 West main st.
Street Address _____ Phone _____ Fax _____
Batavia NY 14020
City _____ State _____ Zip _____

LOCATION OF PROPERTY: 100 West main street Batavia NY 14020

DETAILED DESCRIPTION OF REQUEST: Replace Canopy with 24'x30' canopy.
install (2) 4'-6" Footers and erect new 24'x30' canopy
(Refer to canopy drawing supplied)

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

Rex Cameron _____
Applicant's Signature _____ Date 8/27/2018

Owner's Signature _____ Date _____

To be Filled out by Zoning Officer

TAX PARCEL: 84.048-1-20 ZONING DISTRICT: C-2 FLOOD PLAIN: C

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

Provision(s) of the Zoning Ordinance Appealed: BMC 190-29A and Sched

PAID

AUG 29 2018
CITY OF BATAVIA
CLERK-TREASURER

Criteria to Support Area Variance

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

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

1. **Undesirable Change in neighborhood Character.** The granting of the variance will not produce an undesirable change in the neighborhood or a detriment to nearby properties.
Replacing old canopy with a new canopy which will look better
2. **Alternative Cure Sought.** There are no other means feasible for the applicant to pursue that would result in the difficulty being avoided or remedied, other than the granting of the area variance. Dispenser already exist in the location under canopy so need to install new canopy in the same place.
3. **Substantiality.** The requested area variance is not substantial.
4. **Adverse Effect or Impact.** The requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or community.
None
5. **Not Self-Created.** The alleged difficulty existed at the time of the enactment of the provision or was created by natural force or governmental action, and was not the result of any action by the owner or the predecessors in title. an old canopy was badly damaged

Key Cameron
Applicant's Signature

8/27/2018
Date

Tritec Construction
Contractor

DATE: 8/14/18

(585) 507-3717

APPLICANT NAME & PHONE: Michael Davis - Trike Construction of WNY**Project Location and Information**

Permit #: _____ Fee: _____

Address of Project: 100 West Main St Batavia, NYOwner & Address: Farhan David - 100 West Main Inc 100 West Main St Batavia, NYPhone: (347) 866-9393**Project Type/Describe Work**

(Triteany@aol.com.)

Estimated cost of work: \$50,000Start date: 8/20/18

Describe project:

Replace Canopy with same size canopy**Contractor Information** – Insurance certificates (liability & workers comp) required being on file**GENERAL**Name/Address: Michael Davis - Trike Construction of WNY Webster, NY
Phone: _____ 440 Bartle Hall
14580**PLUMBING** (City of Batavia Licensed Plumber Required)

Name/Address: _____

Phone: _____

HEATING

Name/Address: _____

Phone: _____

ELECTRICAL (Third Party Electrical Inspection Required)

Name/Address: _____

Phone: _____

FOR OFFICE USE ONLY

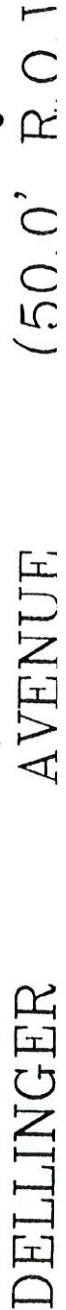
Zoning District: _____ Flood Zone: _____ Corner Lot: _____ Historic District/Landmark: _____

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

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

Existing Use: _____ NYS Building Code Occupancy Class: _____

Proposed Use: _____ NYS Building Code Occupancy Class: _____



NOVEMBER 1, 2004 SCALE 1" = 20'
JOB NO. 04-249

!! CONTRACTOR NOTE !!

AT THE TIME FOOTINGS ARE TO BE POURED, THE CONTRACTOR SHALL CALL TFC CANOPY TO VERIFY FOOTING SIZES, DEPTH OF FOOTINGS, BOLT PATTERNS, AND COLUMN CENTERS. IF CONTRACTOR FAILS TO CALL TFC CANOPY FOR VERIFICATION ON THE DAY FOOTINGS AND ANCHOR BOLTS ARE INSTALLED, TFC CANOPY SHALL NOT BE HELD LIABLE. CALL (260) 357-6665

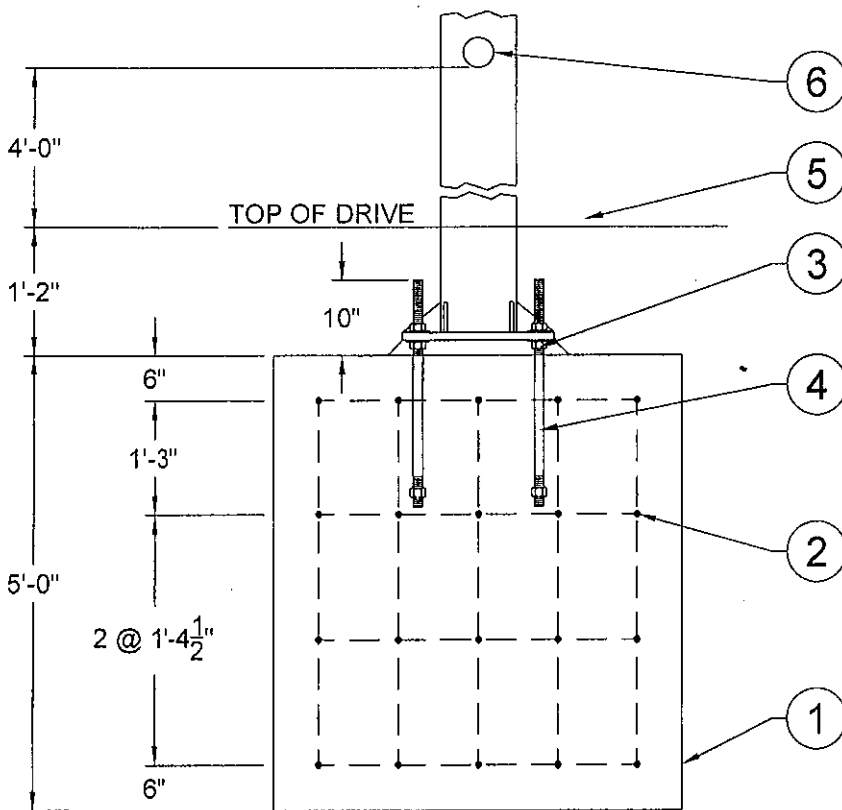
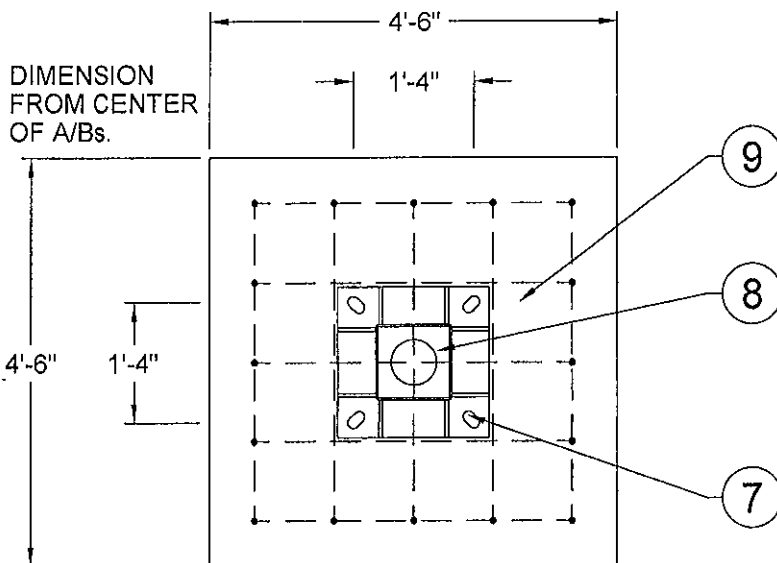
FOOTER NOTES

1. CONCRETE BASE BY GENERAL CONTRACTOR.
2. SEE FOOTER DETAIL FOR REQUIRED REBAR SPECIFICATIONS.
3. BASEPLATE TO BEAR ON LEVELING NUTS AND WASHERS TO CREATE A MINIMUM 1 1/8" GROUT POCKET. GENERAL CONTRACTOR MUST FILL UNDER THE BASE PLATE WITH A NON-SHRINK GROUT THAT MEETS THE PERFORMANCE REQUIREMENTS OF ASTM C 1107 AND CRD-C 621 SPECIFICATIONS FOR NON-SHRINK GROUT. MIXING AND PLACING OF GROUT SHALL BE IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
4. 1 1/4"Ø x 30" LG. F1554 GRADE 55 ANCHOR BOLTS W/ HEAVY HEX NUT AND 10" THREADED PROJECTION WITH DOUBLE NUTS FOR PLUMBING AND LEVELING.
5. ALLOW A 36" SQUARE OPENING IN DRIVE AT COLUMNS FOR INSTALLATION OF ANCHOR BOLT NUTS. OPENING TO BE FILLED WITH CONCRETE AFTER ERECTION.
6. ELECTRICAL ACCESS OPENING (4"Ø HOLE) WITH 5"x6" COVER PLATE LOCATED APPROXIMATELY 4' ABOVE TOP OF DRIVE.
7. BASE PLATES ARE 20"x20" x 1" THK. GR. 50 STL. W/ (4) - 1 1/2"Ø BOLT HOLES ON 16" x 16" CENTERS
8. BASE PLATE HAS A 6"Ø HOLE FOR ELECTRICAL ACCESS.
9. UNLESS OTHERWISE NOTED, TOPS OF FOOTERS MUST BE HELD LEVEL AND ON THE SAME PLANE.
10. CONCRETE FOR FOOTERS SHALL ACHIEVE A MINIMUM COMPRESSION OF 4000 PSI.
11. FOOTING DESIGN IS BASED ON A PRESUMPTIVE LOAD BEARING VALUES PROVIDED IN THE INTERNATIONAL BUILDING CODE, TABLE 1806.2. AN ASSUMED ALLOWABLE BEARING PRESSURE OF 2000 PSF AND A LATERAL BEARING PRESSURE OF 150 PSF/FT SHALL BE VERIFIED IN THE FIELD. IT IS RECOMMENDED THAT FOOTINGS BEAR ON STABLE ORIGINAL, UNDISTURBED SUBGRADE OR SELECT CONTROLLED FILL (EXTENDING TO STABLE ORIGINAL, UNDISTURBED SUBGRADE). IF FIELD CONDITIONS AND TESTING INDICATE LESS CAPACITY OR DISTURBED SOIL, THE DETAIL SHOWN SHALL NOT BE USED AND TFC SHALL BE CONTACTED IMMEDIATELY TO REDESIGN THE FOOTINGS.

TFC RECOMMENDED FOOTING DETAIL FOR THIS CANOPY. IF EXISTING OR ALTERNATE FOOTING IS USED, TFC CANOPY ASSUMES NO LIABILITY FOR LOSS OR DAMAGES CAUSED DIRECTLY OR INDIRECTLY BY FOOTINGS AND/OR ANCHOR BOLTS.

NOTE:

FOOTER DETAIL APPLIES TO CANOPY OF DIMENSIONS SHOWN ON SHEET 1 OF 2.



* #4 BARS HORIZONTAL, BOTH WAYS,
4 LAYERS WITH (16) #4 BARS VERTICAL.

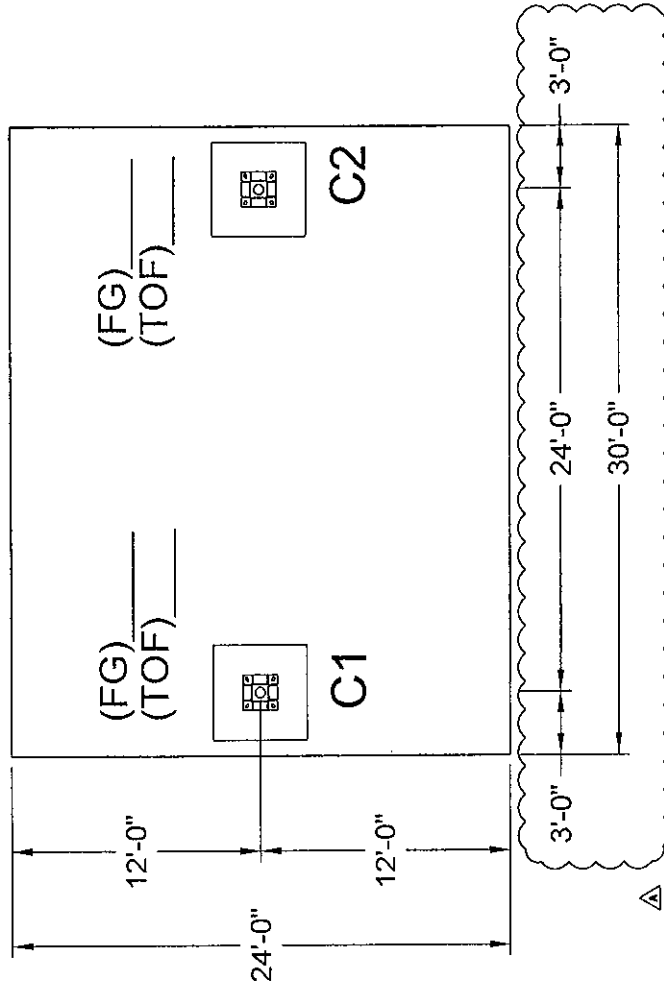
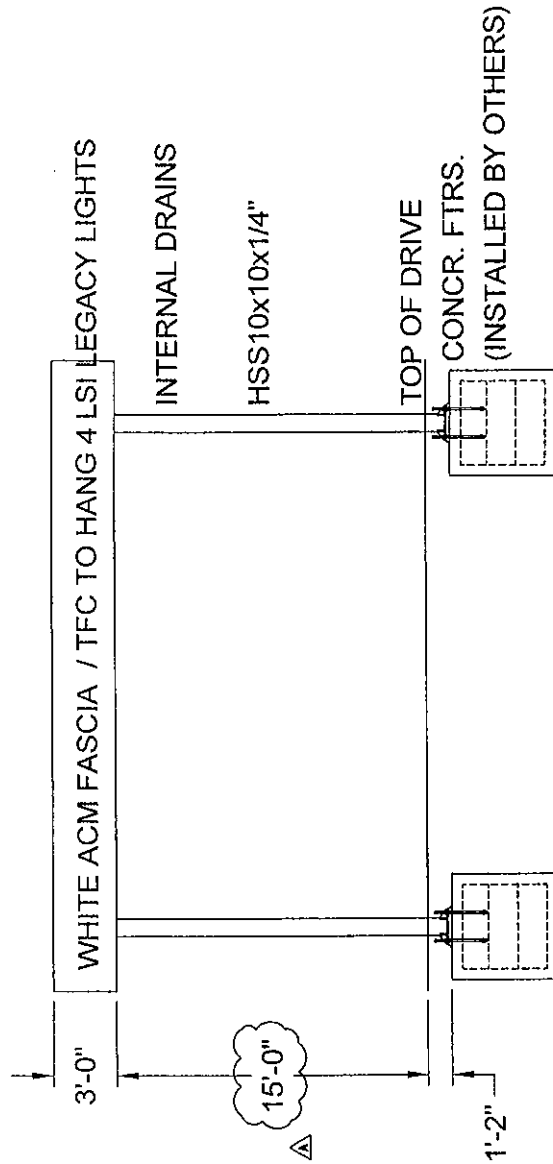


FOOTING DETAILS

SHEET 2 OF 2

DATE: Jul-25-2018
JOB NO: 700445
JOB REF: N/A
CUST: S&W Services, Inc
LOC: Batavia, NY

TFC CANOPY
1107 NORTH TAYLOR RD.
GARRETT, IN 46738
FAX - (260) 357-6533
PHONE - (260) 357-6665



*STORE AND ROAD/ROADS
TO BE INDICATED ON DRAWING

" QUICKIE PRELIM "
CUSTOMER TO REVISE IF NEEDED,
THEN SIGN AND RETURN

ABBREVIATIONS:

(FG) ~ FINISHED GRADE ELEVATION
(TOF) ~ TOP OF FOOTER ELEVATION

TFC
TFC CANOPY
1107 NORTH TAYLOR RD.
GARRETT, IN 46738
FAX - (260) 357-6533
PHONE - (260) 357-6665

SHEET 1 OF 2

DATE: Aug-02-2018

JOB: 700445

JOB REF: N/A

CUST: S&W Services, Inc

JOB LO: Batavia, NY

CUSTOMER TO INDICATE:
LOCATIONS & DIRECTIONS OF
STORE & ROAD, DRAINS,
VENTS, CONDUITS.
SIGN LOCATIONS, COL. WRAPS.
GRADE INFO.
ALL TFC COLUMNS TO DRAIN
UNLESS NOTED OTHERWISE

IS GRADE SLOPED ?

YES NO

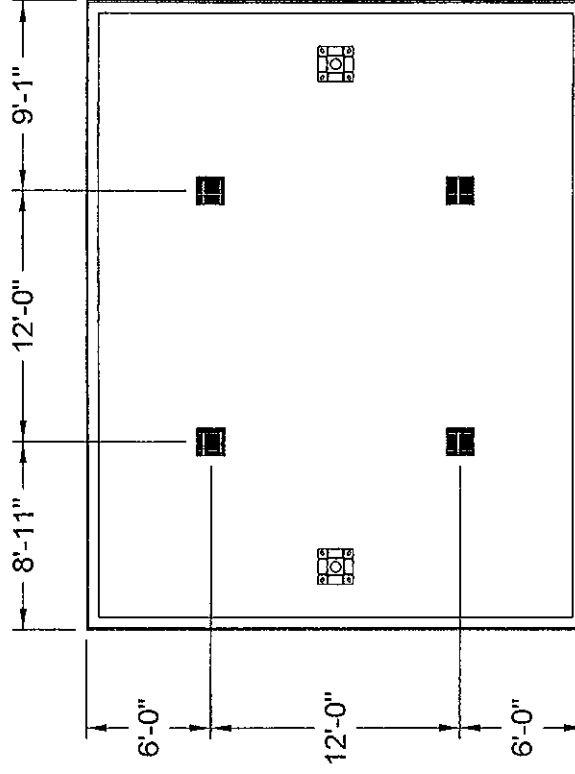
GRADE

FOOTINGS TO BE
HELD LEVEL

CONTRACTOR TO CALL TFC CANOPY
AT TIME FOOTINGS ARE TO BE
POURED TO VERIFY FOOTING SIZES,
FOOTING DEPTHS, ANCHOR BOLT
PATTERNS, COLUMN CENTERS AND
THE AMOUNT OF SLOPE IN GRADE.
FAILURE TO CALL SHALL RELEASE TFC
FROM ANY ASSOCIATED LIABILITY.

" LIGHT LAYOUT "

CUSTOMER TO REVISE IF NEEDED,
THEN SIGN AND RETURN



LIGHT LAYOUT

■ (4) = LSI LEGACY LIGHTS

SHEET 1 OF 1

DATE: Aug-02-2018

JOB: 700445

JOB REF: N/A

CUST: S&W Services, Inc

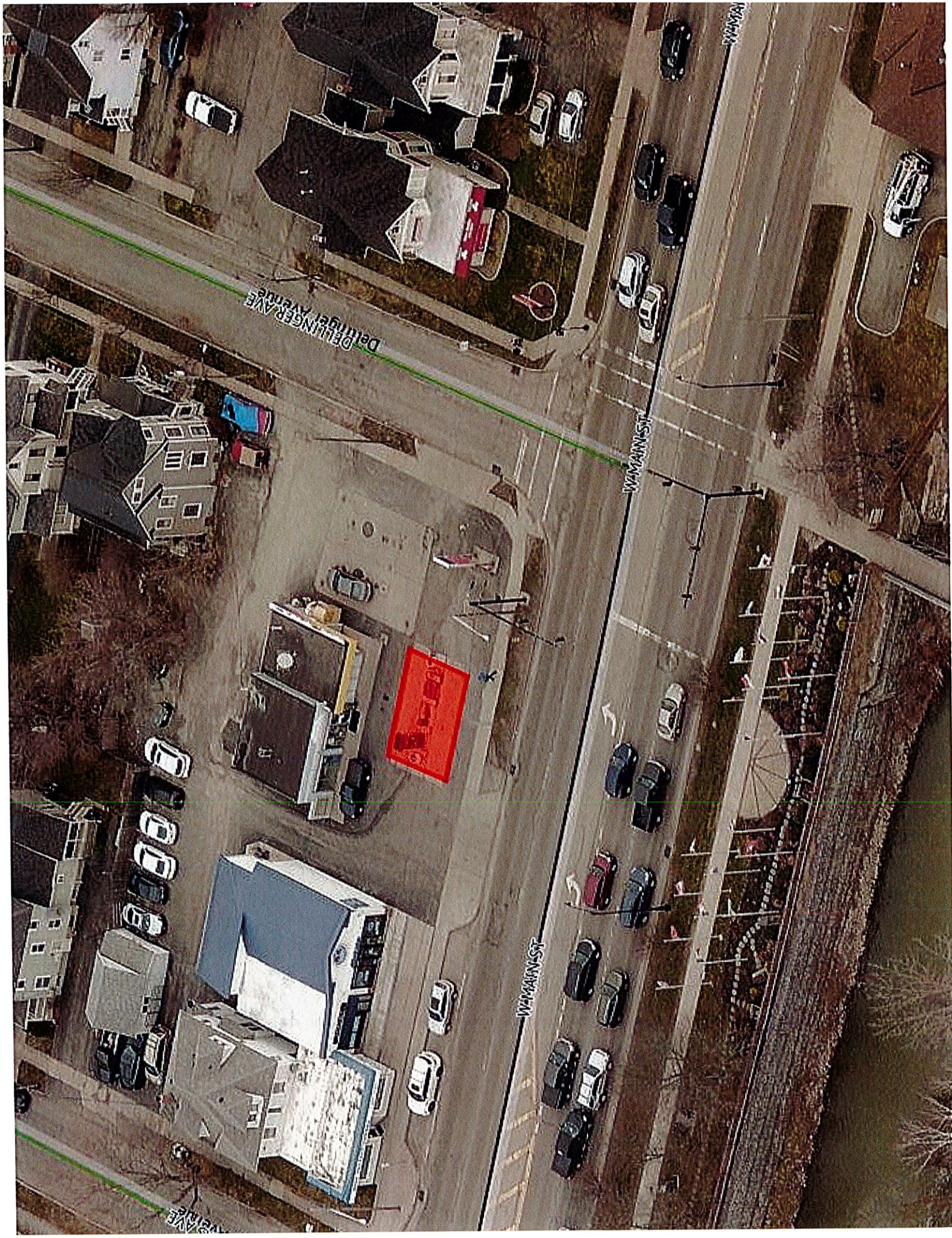
JOB LO: Batavia, NY

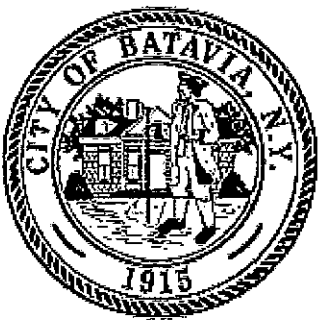


TFC CANOPY
1107 NORTH TAYLOR RD.
GARRETT, IN 46738

FAX - (260) 357-6533

PHONE - (260) 357-6665





City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020

(585)-345-6345

(585)-345-1385 (fax)

To: Genesee County Planning
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 8/29/18

Re: 527 West Main St.
Tax Parcel No. 84.005-2-1./3

Zoning Use District: C-2

The applicant, Bryan Galus (McDonald's USA LLC.), has filed an application to place 7 non-permitted free standing/pole signs on this property.

- 1- Drive-through gateway clearance bar with signage. (6.6 sq.')
- 2- Pre-browse boards (13 sq.')
- 2- Canopy order speakers with signage (3.6 sq.')
- 2- Changeable menu board (24.8 sq.')

Review and Approval Procedures:

County Planning Board- Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of the boundary of the city.

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

Required variances- Area

- 1) BMC 190-43 M Only one free standing sign is permitted per 200 feet of street frontage.
Seven are proposed.
- 2) BMC 190-43 T Only one pole sign is permitted per 200 feet of street frontage.
Seven are proposed.
- 3) BMC 190-43 Z (7)(a) Electronic message board signs can comprise as much as 30% of permitted sign area.
100% is proposed for the menu board signs.
- 4) BMC 190-43 Z (7)(b) Only one electronic message board is permitted per street frontage.
Two are proposed for the menu boards and one for the canopy order speaker.

The ZBA will be the lead agency to conduct SEQR.

SEND OR DELIVER TO:

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

DEPARTMENT USE ONLY:

GCDP Referral # _____



*** GENESEE COUNTY ***
PLANNING BOARD REFERRAL

Required According to:

GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N

(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATIONBoard(s) Zoning Board of AppealsAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345 - 6347 Ext. _____**2. APPLICANT INFORMATION**Name Bryan Galus (McDonald's USA LLC)Address 527 West Main St.City, State, Zip Batavia, NY 14020Phone () - Ext. _____ Email bryan.galuseus.mcd.comMUNICIPALITY: ☒ City ☐ Town ☐ Village of Batavia**3. TYPE OF REFERRAL:** (Check all applicable items)

- ☒ Area Variance
☐ Use Variance
☐ Special Use Permit
☐ Site Plan Review

- ☐ Zoning Map Change
☐ Zoning Text Amendments
☐ Comprehensive Plan/Update
☐ Other: _____

- Subdivision Proposal
☐ Preliminary
☐ Final

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:A. Full Address 527 West Main St.B. Nearest intersecting road Lewiston Rd.C. Tax Map Parcel Number 84.005-2-1./3

D. Total area of the property _____ Area of property to be disturbed _____

E. Present zoning district(s) C-2**5. REFERRAL CASE INFORMATION:**

A. Has this referral been previously reviewed by the Genesee County Planning Board?

☒ NO ☐ YES If yes, give date and action taken _____

B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law

BMC 190-43 M, 190-43 T, 190-43 Z (7)(a) and 190-43 Z(7)(b)C. Please describe the nature of this request Approval to place 7 non-permitted signs on this commercial parcel**6. ENCLOSURES** – Please enclose copy(s) of all appropriate items in regard to this referral

- ☒ Local application
☒ Site plan
☐ Subdivision plot plans
☒ SEQR forms

- ☐ Zoning text/map amendments
☐ Location map or tax maps
☐ Elevation drawings
☐ Agricultural data statement

- ☐ New or updated comprehensive plan
☒ Photos
☒ Other: Cover letters

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17.

Email to planning@co.genesee.ny.us**7. CONTACT INFORMATION** of the person representing the community in filling out this form (required information)Name Douglas Randall Title Code Enf. Officer Phone (585) 345 - 6327 Ext. _____Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020 Email drandall@batavianewyork.com



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 18-14
Hearing Date/Time: _____

APPLICANT: McDONALD'S USA, LLC BRYAN.GALUS@US.MCD.COM

Name Z EASTON OVAL, SUITE 200 E-Mail Address _____
Street Address _____ Phone _____ Fax _____
Columbus OH 43219
City State Zip

STATUS: ☒ Owner ☐ Agent for Owner ☐ Contractor

OWNER: SAME

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

LOCATION OF PROPERTY: 527 4138 WEST MAIN STREET

DETAILED DESCRIPTION OF REQUEST: REQUEST AREA VARIANCE TO ALLOW FOR
ADDITIONAL FREE-STANDING SIGNS TO PERMIT DESIRED DRIVE-THRU
SIGNAGE

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

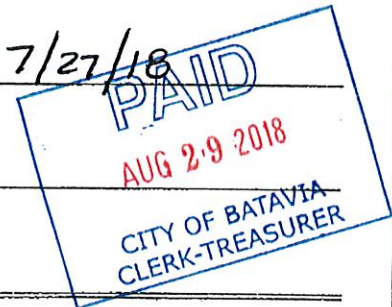
Bryan Galus
Applicant's Signature

Date

7/27/18

Owner's Signature

Date

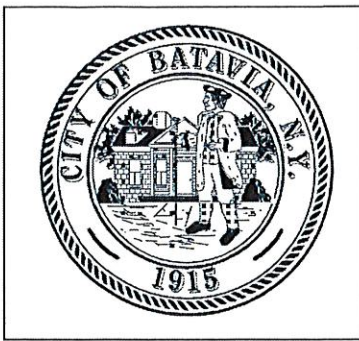


To be Filled out by Zoning Officer

TAX PARCEL: 84.005-2-1.1/3 ZONING DISTRICT: C-2 FLOOD PLAIN: C

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

Provision(s) of the Zoning Ordinance Appealed: BMC 190-43 M. Allocation of sign area -
Only 1 free standing sign permitted. and 190-43 T. Only 1 pole sign
permitted for properties with less than 200' of frontage.
190.43Z (7) (a) Elec. message board signs no more than 30% of permitted sign area.
190.43Z (7) (b) Only 1 Elec. message board sign permitted.



Permit No.: _____

Date: _____

Zone: _____

SIGN PERMIT APPLICATION**City of Batavia**

One Batavia City Centre, Batavia, NY 14020

(585) 345-6345 • Fax (585) 345-1385

APPLICANT/OWNER: McDonald's USA, LLC - Eastern Great Lakes Execution Team

Name

E-mail Address

2 Easton Oval, Suite 200

Street Address

Phone

Fax

Columbus, Ohio 43219

City, State, Zip Code

ADDRESS OF SIGN: 4138 West Main Street Road, Batavia, NY

(S3 - Drive Thru Gateway [Clearance Bar])

AREA OF SIGN: Length 10' Width 14" Area 6.6 s.f.**TYPE OF SIGN:**

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

<input checked="" type="checkbox"/> Freestanding	Set Back 17'-3"	Height 11'	
<input type="checkbox"/> Wall	Wall Length _____	Wall Height _____	Area _____
<input type="checkbox"/> Projecting			
<input type="checkbox"/> Marquee			
<input type="checkbox"/> Awning / Canopy	Length _____	Height _____	Area _____
<input type="checkbox"/> Window	Window Length _____	Window Height _____	Area _____
<input type="checkbox"/> Portable			

Lighting: ☐ Internal ☐ External**Existing Signs** (Please list all existing signs with dimensions):

Pole Sign 80s.f. Changeable Reader Board 24 s.f.

Directional sign (6 total) 3.8 s.f. each

Applicant's Signature [Signature]

Date 7.25.18

Issuing Officer _____

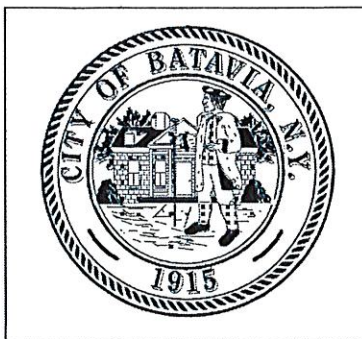
Date _____

Planning Board Chairperson _____

Date _____

FEES: _____ \$25 Sign Permit _____ \$50 Special Sign Permit _____ \$10 Portable Sign





Permit No.: _____

Date: _____

Zone: _____

SIGN PERMIT APPLICATION**City of Batavia**

One Batavia City Centre, Batavia, NY 14020

(585) 345-6345 • Fax (585) 345-1385

APPLICANT/OWNER: McDonald's USA, LLC - Eastern Great Lakes Execution Team

Name _____ E-mail Address _____

2 Easton Oval, Suite 200

Street Address _____ Phone _____ Fax _____

Columbus, Ohio 43219

City, State, Zip Code _____

ADDRESS OF SIGN: 4138 West Main Street Road, Batavia, NY

(S4 - Pre-browse board [2])

AREA OF SIGN: Length 33.85" Width 69.72" Area 13.0 s.f. each**TYPE OF SIGN:**

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

<input checked="" type="checkbox"/> Freestanding	Set Back <u>17'-3"</u>	Height <u>88.68"</u>	
<input type="checkbox"/> Wall	Wall Length _____	Wall Height _____	Area _____
<input type="checkbox"/> Projecting			
<input type="checkbox"/> Marquee			
<input type="checkbox"/> Awning / Canopy	Length _____	Height _____	Area _____
<input type="checkbox"/> Window	Window Length _____	Window Height _____	Area _____
<input type="checkbox"/> Portable			

Lighting: ☐ Internal ☐ External**Existing Signs** (Please list all existing signs with dimensions):Pole Sign 80s.f. Changeable Reader Board 24 s.f.Directional sign (6 total) 3.8 s.f. eachApplicant's Signature Date 7.25.18

Issuing Officer _____

Date _____

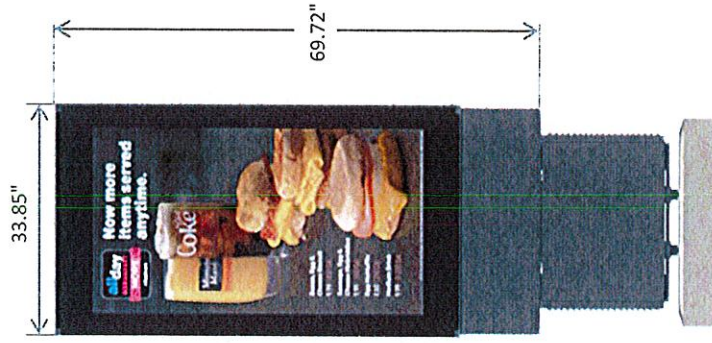
Planning Board Chairperson _____

Date _____

FEES: _____ \$25 Sign Permit _____ \$50 Special Sign Permit _____ \$10 Portable Sign

Pre-Browse Board - Sign S4

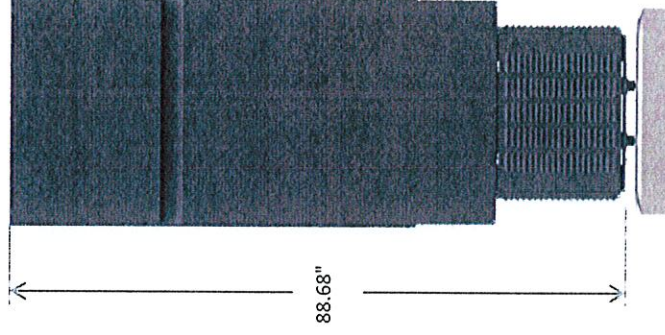
Main display area



Depth

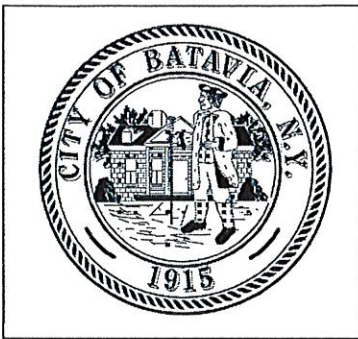


Total height including base structure



CHARCOAL





Permit No.: _____
Date: _____
Zone: _____

SIGN PERMIT APPLICATION

City of Batavia

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

APPLICANT/OWNER: McDonald's USA, LLC - Eastern Great Lakes Execution Team

Name	E-mail Address	
<u>2 Easton Oval, Suite 200</u>		
Street Address	Phone	Fax
<u>Columbus, Ohio 43219</u>		
City, State, Zip Code		

ADDRESS OF SIGN: 4138 West Main Street Road, Batavia, NY

(S5 - Canopy/Order Speaker [2])

AREA OF SIGN: Length 111.42" Width 38" Area 3.6 s.f. each

TYPE OF SIGN:

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

<input checked="" type="checkbox"/> Freestanding	Set Back <u>9'</u>	Height <u>137.64"</u>	
<input type="checkbox"/> Wall	Wall Length _____	Wall Height _____	Area _____
<input type="checkbox"/> Projecting			
<input type="checkbox"/> Marquee			
<input type="checkbox"/> Awning / Canopy	Length _____	Height _____	Area _____
<input type="checkbox"/> Window	Window Length _____	Window Height _____	Area _____
<input type="checkbox"/> Portable			

Lighting: ☐ Internal ☐ External

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

Pole Sign 80s.f. Changeable Reader Board 24 s.f.

Directional sign (6 total) 3.8 s.f. each

Applicant's Signature [Signature]

Date 7.25.18

Issuing Officer _____

Date _____

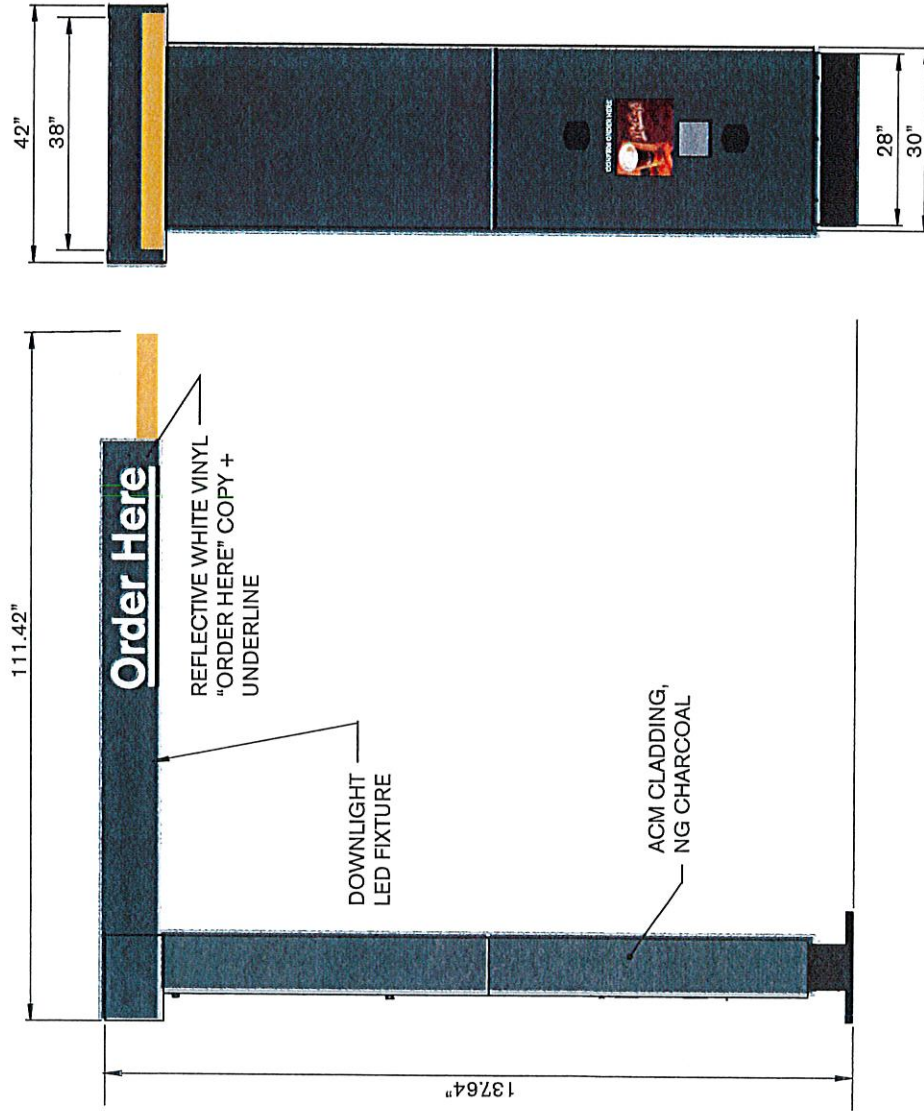
Planning Board Chairperson _____

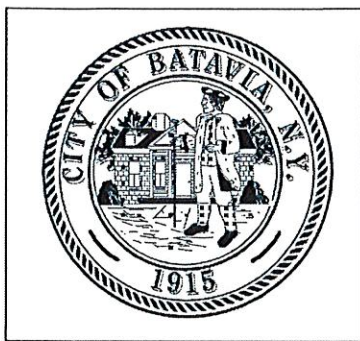
Date _____

FEES: _____ \$25 Sign Permit _____ \$50 Special Sign Permit _____ \$10 Portable Sign



Illumination:
Electrical:
Ballast:
Ship Weight:
Other:





Permit No.: _____

Date: _____

Zone: _____

SIGN PERMIT APPLICATION**City of Batavia**One Batavia City Centre, Batavia, NY 14020
(585) 345-6345 • Fax (585) 345-1385**APPLICANT/OWNER:** McDonald's USA, LLC - Eastern Great Lakes Execution Team

Name _____ E-mail Address _____

2 Easton Oval, Suite 200

Street Address _____ Phone _____ Fax _____

Columbus, Ohio 43219

City, State, Zip Code _____

ADDRESS OF SIGN: 4138 West Main Street Road, Batavia, NY

(S6 - Changeable Menu Board - 2 total)

AREA OF SIGN: Length 60.86" Width 69.72" Area 24.8 s.f.**TYPE OF SIGN:**

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

<input checked="" type="checkbox"/> Freestanding	Set Back <u>20' - 5"</u>	Height <u>88.68"</u>	
<input type="checkbox"/> Wall	Wall Length _____	Wall Height _____	Area _____
<input type="checkbox"/> Projecting			
<input type="checkbox"/> Marquee			
<input type="checkbox"/> Awning / Canopy	Length _____	Height _____	Area _____
<input type="checkbox"/> Window	Window Length _____	Window Height _____	Area _____
<input type="checkbox"/> Portable			

Lighting: ☒ Internal ☐ External**Existing Signs** (Please list all existing signs with dimensions):Pole Sign 80s.f. Changeable Reader Board 24 s.f.Directional sign (6 total) 3.8 s.f. eachApplicant's Signature MS. B. A.Date 7.25.18

Issuing Officer _____

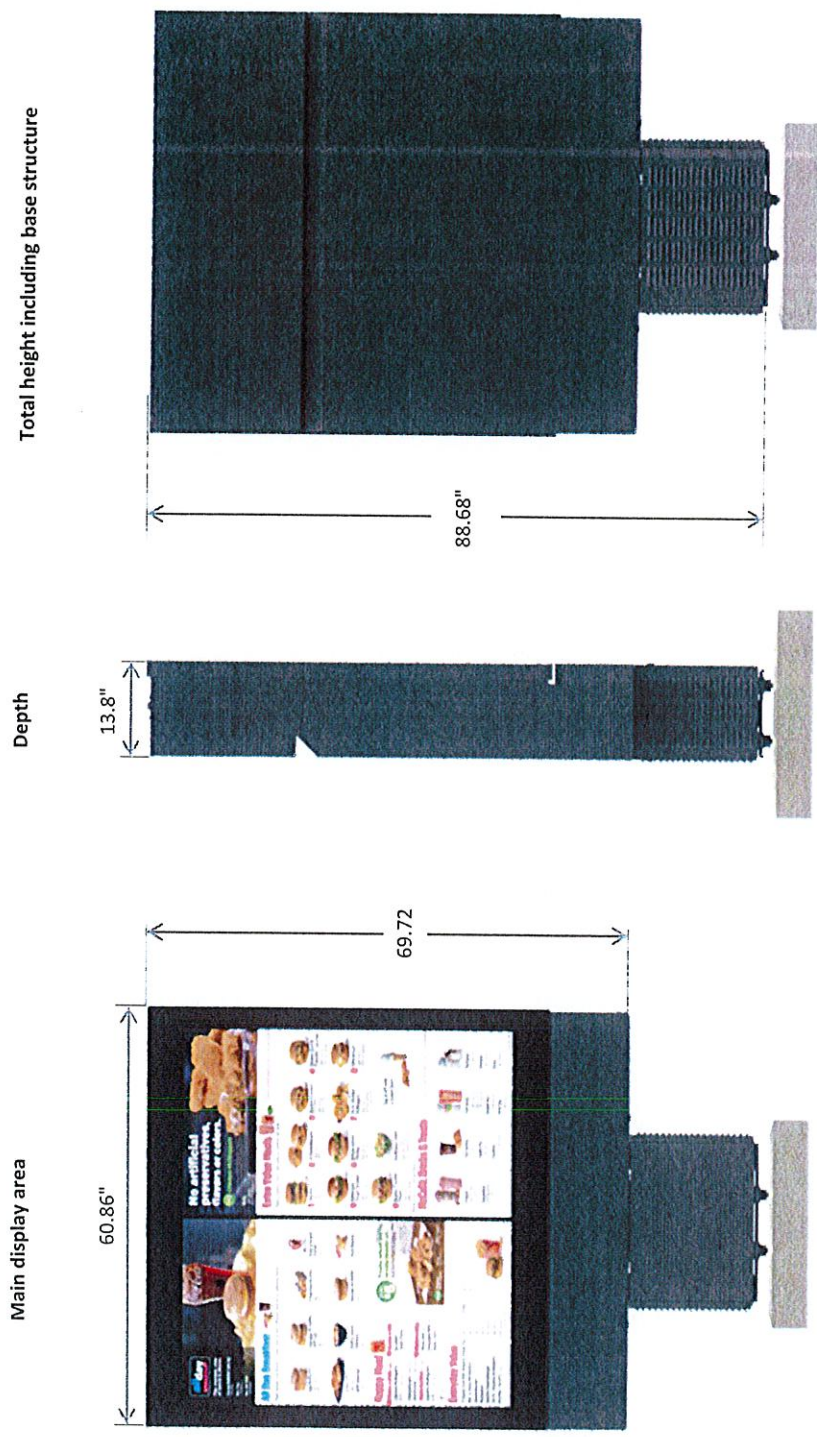
Date _____

Planning Board Chairperson _____

Date _____

FEES: _____ \$25 Sign Permit _____ \$50 Special Sign Permit _____ \$10 Portable Sign

Menu Board - Sign S6



CHARCOAL

July 27, 2018

City of Batavia
One Batavia City Centre
Batavia, New York 14020

ATTN: Doug Randall
Code Enforcement Officer

RE: Request for Area Variance
McDonald's Restaurant
4138 West Main Street

Dear Mr. Randall:

On behalf of McDonald's USA, LLC, we are submitting the following information in support of an area variance to permit additional free-standing signage:

- Check in the amount of \$100.00
- (8) copies of the Letter of Intent, Summary of requested Area Variances (Exhibit A) and responses to the Area Variance Standards (Exhibit B)
- (8) copies of the Application to the Zoning Board of Appeals
- (8) copies of the Short Form EAF
- (8) copies of the Site Signage Summary and Drive-thru Sign Details
- (8) 11x17 copies of the Sign Plan

We respectfully request to be placed on the agenda for the August 27, 2018 Zoning Board of Appeals meeting. McDonald's is requesting an area variance to allow for additional free-standing signage\installation of new drive-thru signage. Refer to Exhibit A and B for an outline of the requested area variance and the justifications for granting of the variance.

The project site is located on the south side of West Main Street (NYS Route 5), west of Lewiston Road. The restaurant was recently remodeled and the request to change the drive-thru signage provides McD's with current Branding and technology.

Should you have any questions or need additional information, please contact us.

Sincerely,
T.Y.Lin International



Randy Bebout

RLB/amc

w/encls.

Cc: McDonald's USA, LLC, Bryan Galus



T:\Rochester\Projects\436744.00\300_CORR\7-27-18_Zoning Board of Appeals Submission

EXHIBIT A

The reasons for requesting the area variances are as follows:

1. Per Zoning Code Section 190-43 (T), only (1) pole\free-standing sign is permitted where a total of (12) is requested. A Site Signage summary comparing existing to proposed signage is included with this submission.

EXHIBIT B

In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, moral, aesthetics and welfare of the neighborhood or community. In making such determination the Board shall also consider:

- 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.**

There will be no negative impacts as a result of granting the requested area variance. The proposed number of freestanding signs is necessary to efficiently operate the drive-thru business and the majority of the signage is not visible from the Public R.O.W. The actual increase in the number of signs from existing conditions is (6) total, (4) of those being small directional signs (S7 & S7A). The total area of the new pre-browse boards (S4) and Menu Boards (S6) is less (75.6 sq. ft.) than the total area of the existing menu boards (86.2 sq. ft.).

- 2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.**

There are no other means for the applicant to achieve the benefits sought. Each of the proposed freestanding signs serve a necessary function as part of the drive-thru operation.

- 3. Whether the requested area variance is substantial.**

The requested variance may seem substantial in regards to number of signs, but the total area of the signage is only increasing by 4.3 sq. ft. (203 proposed vs 198.7 existing). The benefit of granting the variances outweighs any detriment that could result.

- 4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.**

The requested area variance will not result in any adverse or negative impacts to the environment. The new signage is digital and uses less energy to operate.

- 5. Whether the alleged difficulty was self-created, which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.**

The requested area variances may seem self-created but is necessary to efficiently and effectively operate the drive-thru business.



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____

Hearing Date/Time: _____

APPLICANT: McDONALD'S USA, LLC

BRYAN.GALUS@US.MCD.COM

Name

2 EASTON OVAL, SUITE 200

E-Mail Address

Street Address

Columbus

Phone

Fax

City

OH

State

43219

Zip

STATUS: ☒ Owner

☐ Agent for Owner

☐ Contractor

OWNER: SAME

Name

E-Mail Address

Street Address

Phone

Fax

City

State

Zip

LOCATION OF PROPERTY: 4138 WEST MAIN STREET

DETAILED DESCRIPTION OF REQUEST: REQUEST AREA VARIANCE TO ALLOW FOR
ADDITIONAL FREE-STANDING SIGNS TO PERMIT DESIRED DRIVE-THRU
SIGNAGE

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

Bryan Galus
Applicant's Signature

Date

7/27/18

Owner's Signature

Date

To be Filled out by Zoning Officer

TAX PARCEL: _____

ZONING DISTRICT: _____

FLOOD PLAIN: _____

TYPE OF APPEAL: ☐ Area Variance

☐ Use Variance

☐ Interpretation

☐ Decision of Planning Committee

FEE: ☐ \$50 (One or Two Family Use)

☐ \$100 (All other Uses)

Provision(s) of the Zoning Ordinance Appealed: _____

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

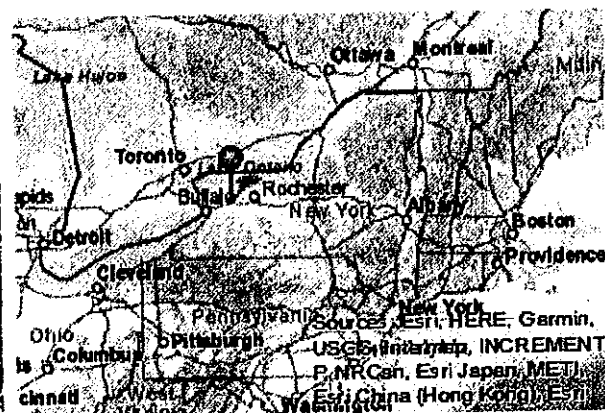
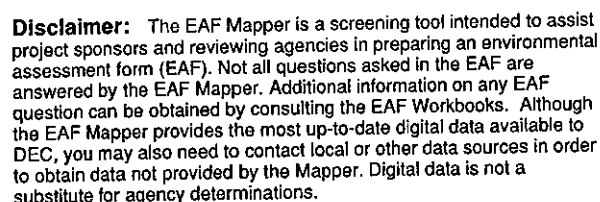
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

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

Part 1 - Project and Sponsor Information									
Name of Action or Project: McDonald's Restaurant - Request for Area Variance									
Project Location (describe, and attach a location map): 4138 West Main Street, Batavia									
Brief Description of Proposed Action: Proposed replacement of existing drive-thru signage that is to include gateway, pre-browse, canopy and menu boards									
Name of Applicant or Sponsor: McDonald's USA, LLC		Telephone: (724) 496-5047 E-Mail: bryan.galus@us.mcd.com							
Address: 2 Easton Oval, Suite 200									
City/PO: Columbus		State: OH	Zip Code: 43219						
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
NO	YES								
<input checked="" type="checkbox"/>	<input type="checkbox"/>								
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
NO	YES								
<input checked="" type="checkbox"/>	<input type="checkbox"/>								
<table style="width: 100%;"> <tr> <td style="width: 60%;">3.a. Total acreage of the site of the proposed action?</td> <td style="width: 40%; text-align: right;">0.9 acres</td> </tr> <tr> <td>b. Total acreage to be physically disturbed?</td> <td style="text-align: right;">0.1 acres</td> </tr> <tr> <td>c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?</td> <td style="text-align: right;">0.9 acres</td> </tr> </table>				3.a. Total acreage of the site of the proposed action?	0.9 acres	b. Total acreage to be physically disturbed?	0.1 acres	c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	0.9 acres
3.a. Total acreage of the site of the proposed action?	0.9 acres								
b. Total acreage to be physically disturbed?	0.1 acres								
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	0.9 acres								
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland									

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?		<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ No modifications to existing water service	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ No modifications to existing sanitary sewer lateral	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?		<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____			
	<input type="checkbox"/> NO <input type="checkbox"/> YES		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: T.Y. Lin International Date: 7/27/18</p> <p>Signature: <u><i>Ruby B. Lin</i></u></p>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	No

McDonald's Restaurant Remodel

Site & Building Signage Summary

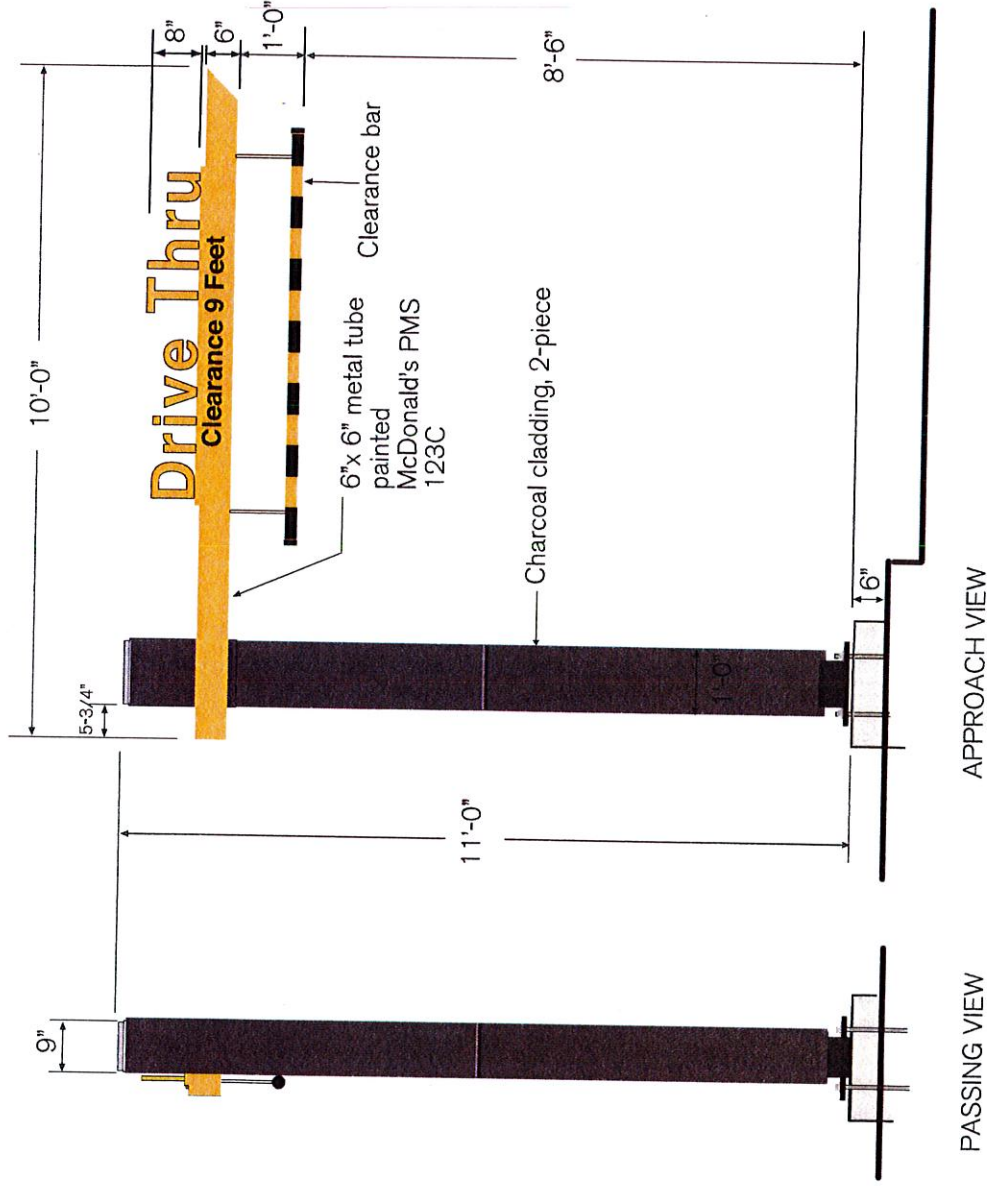
Project Address: 4138 West Main Street, City of Batavia, Genesee County

Site\Drive-Thru (DT) Signage

Sign I.D. #	Sign Description	Existing Quantity	Existing Area Per Sign (Sq. Ft.)	Total Existing Area (sq. ft.)	Proposed Quantity	Proposed Area Per Sign (sq. ft.)	Total Proposed Area (sq. ft.)	Notes
S1 & S1A (Ex.)	"McD's" Pole Sign	1	80.0	80.0	1	80.0	80.0	No change, Ex. Sign to Remain
	"McD's" Pole Sign - Changeable Reader Board		24.0	0.0		24.0	0.0	No change, Ex. Sign to Remain
S2A/2B (Ex.)	Driveway Directional Sign - w\arch	4	3.8	15.2	4	3.8	15.2	No change, Ex. Sign to Remain (Not Included in Variance request)
S3	DT Welcome Point Gateway Sign (Clearance Bar)	1	17.3	17.3	1	6.6	6.6	Ex. Sign to be Replaced
S4 (Ex.)	DT Pre-Browse Board	0	0.0	0.0	2	13.0	26.0	To Be Removed
S5	DT Order Speaker (COD)	2	0.0	0.0	0	0.0	0.0	To Be Removed
S6	DT Canopy/Order Speaker	0	0.0	0.0	2	3.6	7.2	To Be Removed
S7	DT Menu Board	2	43.1	86.2	2	24.8	49.6	Ex. Menu Boards T.B.R. & Replaced
S7A	DT Pull Forward Sign	0	0.0	0.0	2	4.6	9.2	
	Mobile Ordering Curb Sign	0	0.0	0.0	2	4.6	9.2	
	Total Site Signage	10		198.7	16		203.0	

Welcome Point Gateway - Charcoal 2PC

Sign S3



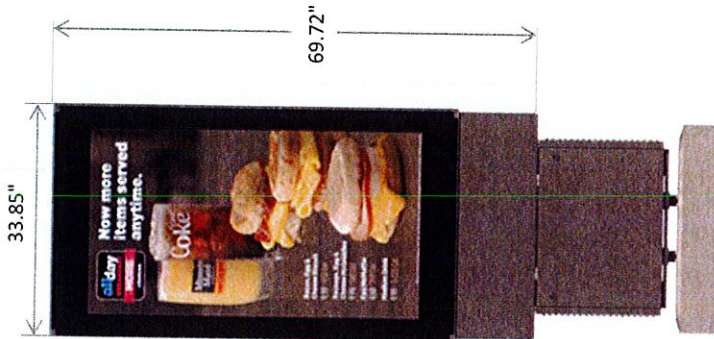
Illumination: N/A

Ship Weight: 790 lbs.

- Other:**
- Non-illuminated clearance sign with spring loaded break away clearance arm.
 - Adjustable bang bar.

Pre-Browse Board - Sign S4

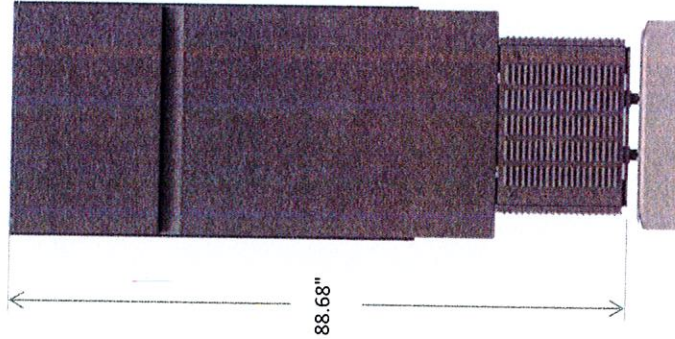
Main display area



Depth



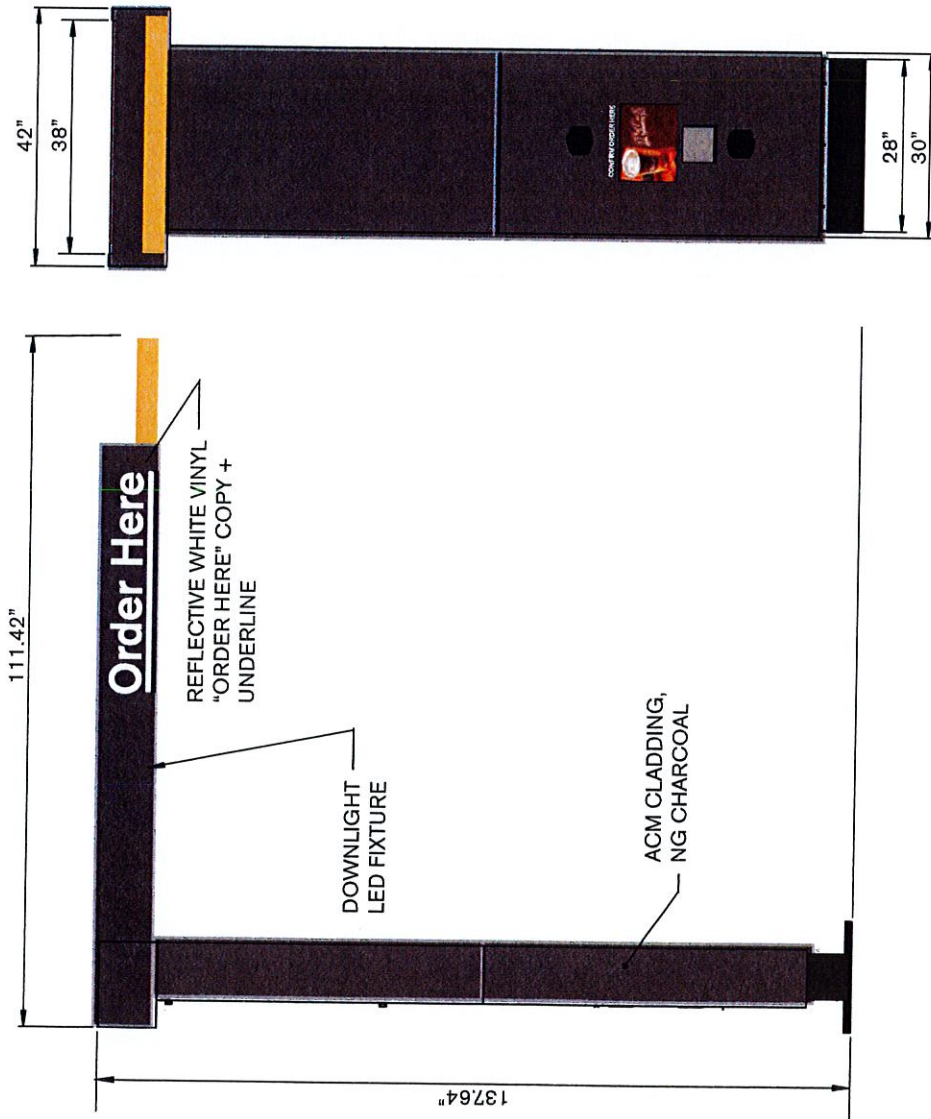
Total height including base structure



CHARCOAL



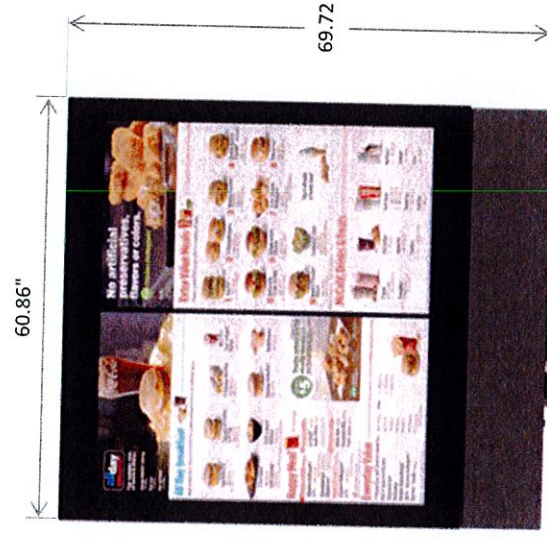
Illumination:
Electrical:
Ballast:
Ship Weight:
Other:



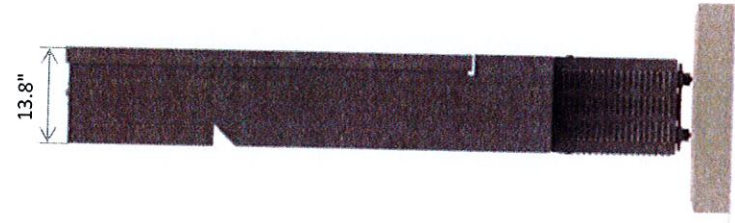
Menu Board - Sign S6



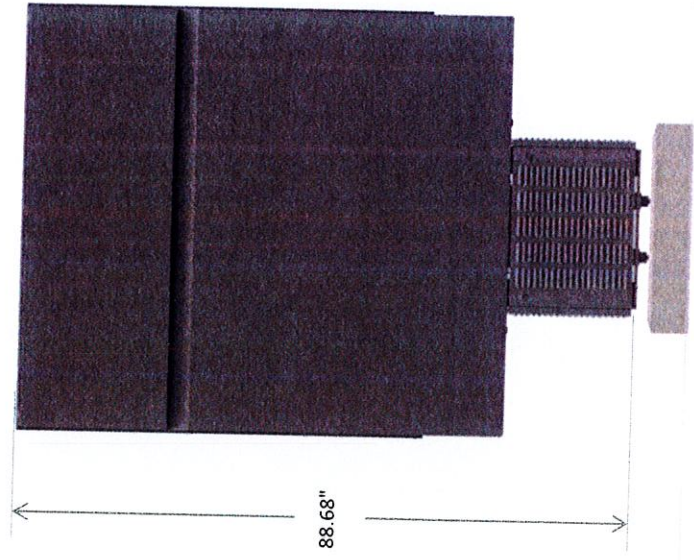
Main display area



Depth



Total height including base structure

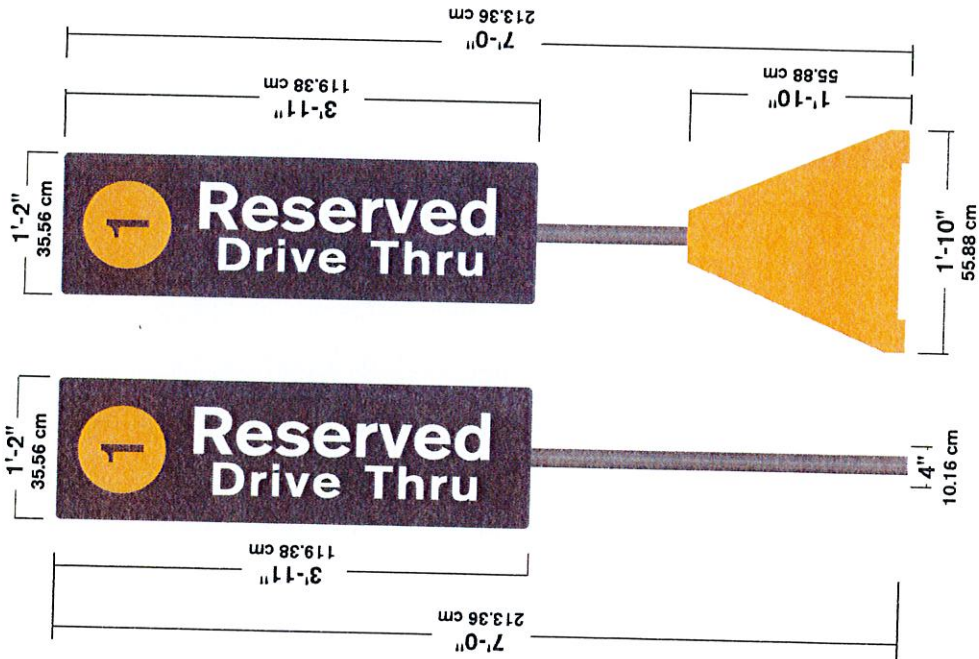


CHARCOAL

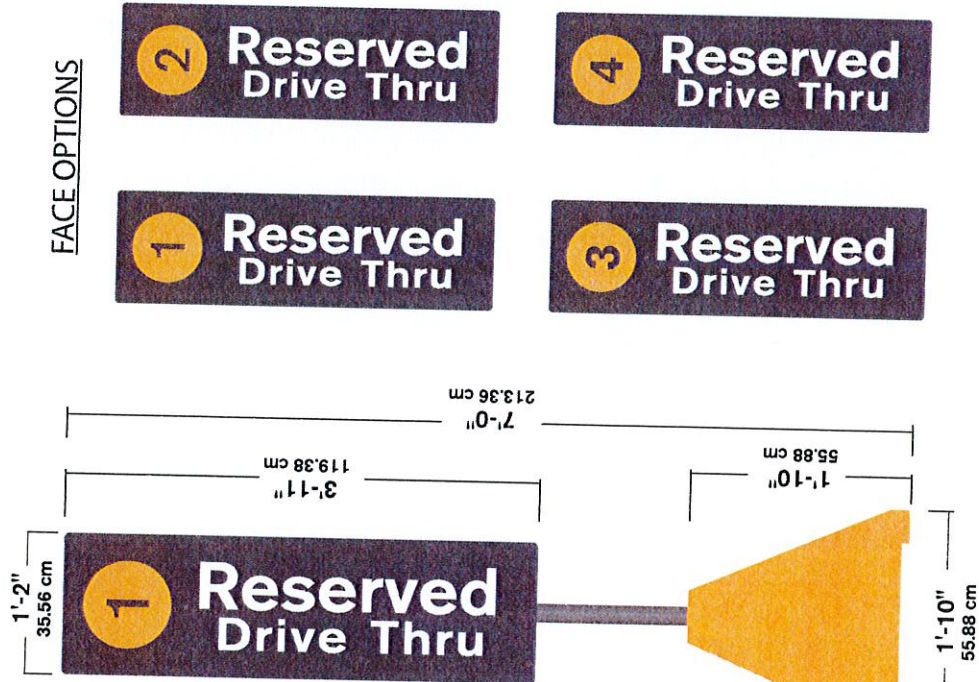
Sign S7



OPTION A
IN GROUND SIGN
POLE PROVIDED
BY OTHERS



OPTION B
MOVABLE SIGN



FACE OPTIONS



Illumination: N/A

Face Details:

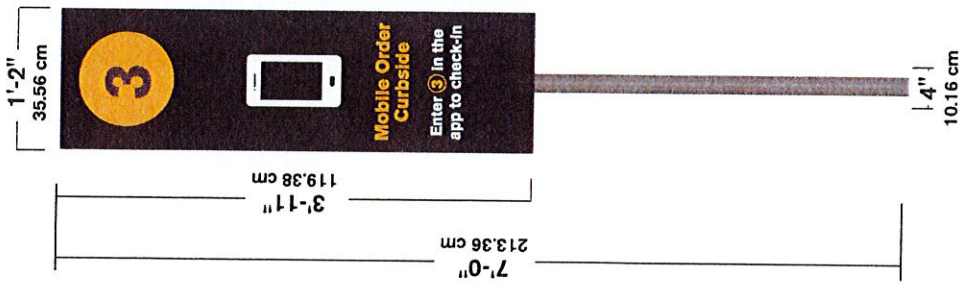
- Pigmented ABS panel to match PMS 425C with matte finish screened white "Reserved Drive Thru" copy, yellow reflective vinyl circles

Mobile Ordering Curb Signage

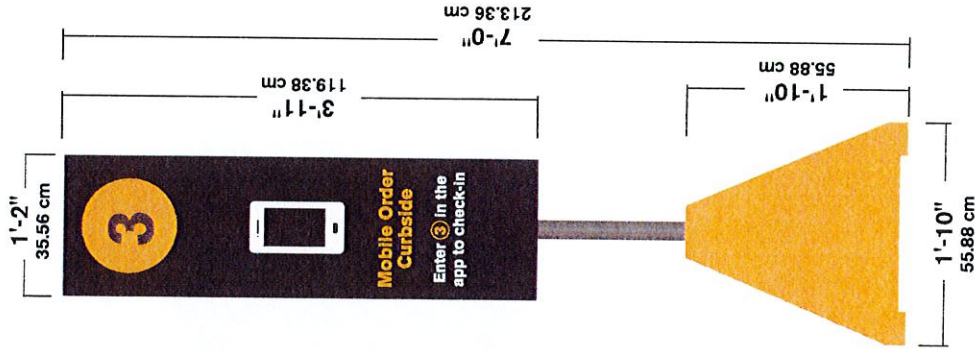
Sign S7A



OPTION A
IN GROUND SIGN
POLE PROVIDED
BY OTHERS



OPTION B
MOVABLE SIGN

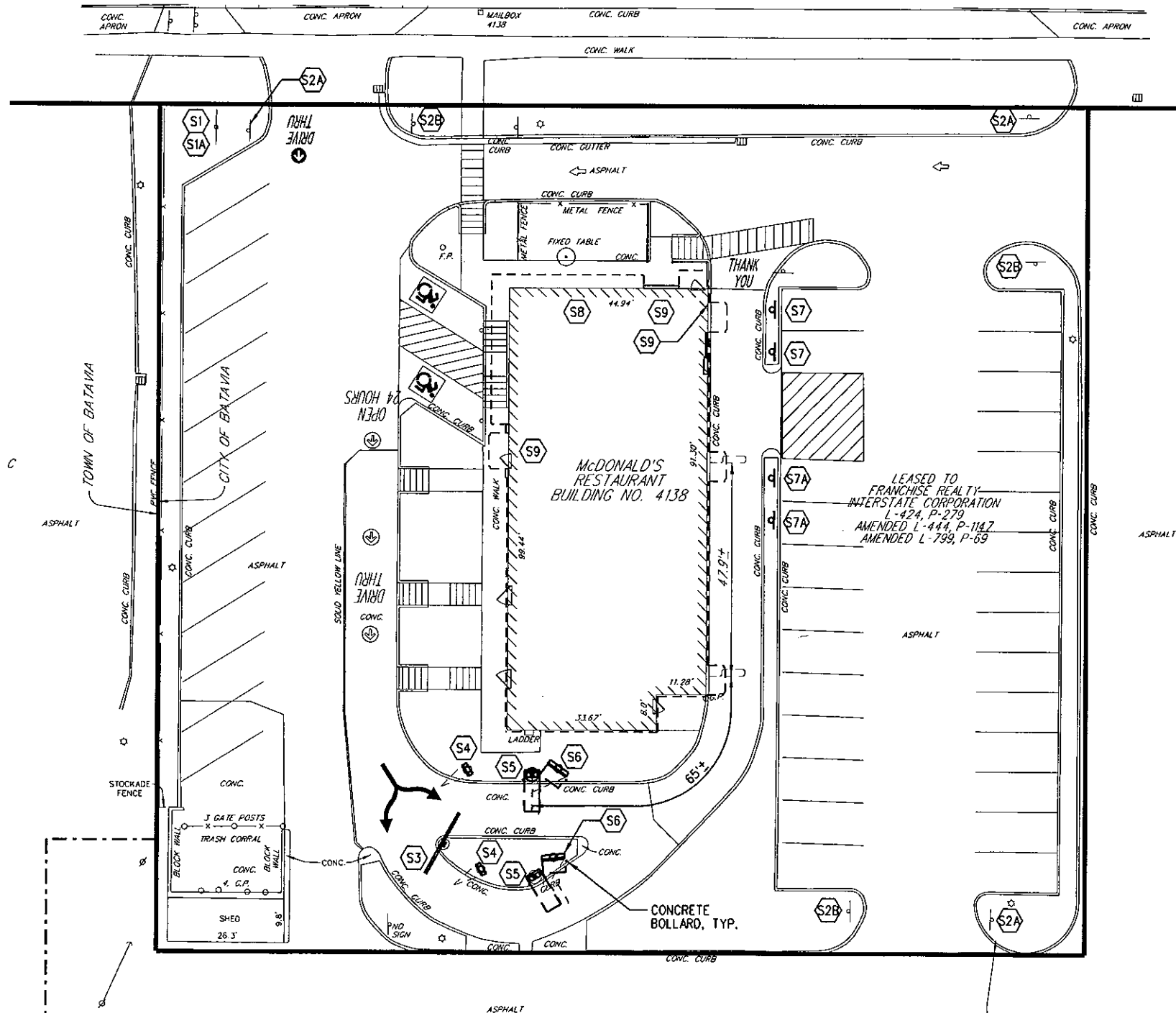


FACE OPTIONS



Illumination: N/A

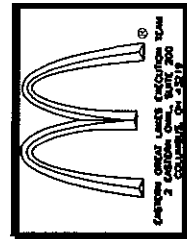
Face Details: Pigmented ABS panel to match PMS 425C, matte finish yellow and white graphics



CONTOUR UNDER SNOW PILE
IS SUBJECT SUCH VARIATIONS AS
MAY BE REVEALED AT A LATER DATE.

BUSINESS SIGN DATA TABLE						
SIGN ID	SIGN QUANTITY	SIGN TYPE	SIGN MODEL	NO. OF SIDES	SIGN AREA PER SIDE (SQ. FT.)	TOTAL AREA (SQ. FT.)
S1	1	EXIST. POLE "ROAD SIGN"	90-50 INT. ILLUMINATED	2	80.0	80.0
S1A	1	EXIST. POLE "CHANGEABLE READER BOARD"	3x8 INT. ILLUMINATED	2	24.0	24.0
S2A	3	EXIST. DIRECTIONAL "McDONALD'S"	NO ARCH INT. ILLUMINATED	2	3.8	11.4
S2B	3	EXIST. DIRECTIONAL "McDONALD'S"	NO ARCH INT. ILLUMINATED	2	3.8	11.4
S3	1	PROPOSED "DOUBLE WELCOME POINT GATEWAY"	NON-ILLUMINATED	1	6.6 SQUARED	6.6
S4	2	PROPOSED PRE-BROWSE BOARD	DIGITAL	1	13.0 SQUARED	26.0
S5	2	PROPOSED SPRINGBOARD CANOPY WITH COO	CHARCOAL/YELLOW	1	3.6 SQUARED	7.2
S6	2	PROPOSED MENU BOARD	DIGITAL	1	24.8 SQUARED	49.6
S7	2	EXIST. PULL FORWARD SIGN "RESERVED DRIVE-THRU"	NON-ILLUMINATED	1	4.6 SQUARED	9.2
S7A	2	MOBILE ORDERING CURB SIGNAGE	NON-ILLUMINATED	1	4.6 SQUARED	9.2
S8	1	EXIST. WALL WORDMARK "McDONALD'S"	24" NEXT GEN INT. ILLUMINATED	1	32.9 SQUARED	32.9
S9	3	EXIST. WALL "BUILDING ARCH"	42" NEXT GEN INT. ILLUMINATED	1	14.0 SQUARED	42.0
TOTAL BLDG. SIGNAGE						74.9

SITE DATA	
TAX ACCOUNT NUMBER:	084.05-2-1/3
SITE AREA:	0.918 AC. (39,888 SQ. FT.)
CURRENT ZONING:	C-2, GENERAL COMMERCIAL DISTRICT



UNRECORDED VARIATION OF SIGNAGE TO THIS DRAWING IS A VIOLATION OF NEW YORK STATE EDUCATION LAW ARTICLE 145, SECTION 7.02B			
NO.	DATE	DESCRIPTION	REVISIONS
1			
2			
3			

02/12/18
DATE

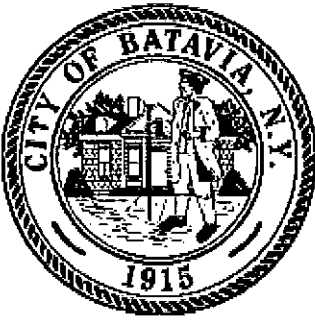
TYLIN INTERNATIONAL
235 EAST AVENUE
ROCKY HILL, CT 0644
(860) 512-2000

SIGN PLAN
PROJECT NAME: McDONALD'S RESTAURANT
4138 WEST MAIN STREET, CITY OF BATAVIA, ONESIE COUNTY, NEW YORK
CLIENT: McDONALD'S USA, LLC
STATE SET CODES: 031-0052/0056 P1197

Dig Safely.
New York
800-962-7962
www.digsafelynewyork.org
☐ Call Before You Dig
☐ Wait The Required Time
☐ Confirm Utility Response
☐ Respect the Marks
☐ Dig With Care

30 15 0 30
SCALE IN FEET

PROJECT NO.: 43.6744.00
DATE: 07/27/18
SCALE: 1"=30'
DRAWING NO.: C-6
SHEET NO.: 1 of 1



City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020

(585)-345-6345

(585)-345-1385 (fax)

To: Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 9/17/18

Re: 552, 554 and 556 East Main St. (Home Leasing Project)
Tax Parcel No. 84.060-1-19, 84.060-1-20 and 84.060-1-21

Zoning Use District: C-2 and R-3

The applicant, Matt Tomlinson of Marathon Engineering, for Home Leasing LLC., has asked that this approved project be placed on the agenda in order to request a time extension of the previously granted area variances.

On July 27, 2017, the Zoning Board of Appeals granted two area variances; one to permit the installation of one elevator to serve as both passenger and service rather than install the required one of each, and to permit forty-eight off street parking spaces rather than the 83 required. The Board placed two conditions on their approval, 1) that the building permit be issued within eighteen months (January 27, 2019), and 2) that four fully handicap accessible units with preference given to veterans are provided. A permit has not yet been issued.

The applicant is asking to extend the time limit condition to obtain a permit.

Review and Approval Procedures:

Zoning Board of Appeals- Pursuant to BMC Sec. 190-49 of the zoning ordinance, the ZBA has the power to hear and act on appeals.

BMC 87-19 E.

The Zoning Board of Appeals may attach conditions to the granting of variances as it deems necessary.



39 Cascade Drive / Rochester, NY 14614 / Phone (585) 458-7770

September 10, 2018

Douglas Randall
City of Batavia
One City Centre
Batavia NY 14020



Re: Request for Variance Approval Extension
Home Leasing Apartment Project
552, 554, 556 East Main Street
City of Batavia, Genesee County, New York

Dear Doug,

On behalf of our client, Home Leasing, LLC, we request that the above referenced project be placed on the agenda for the Zoning Board of Appeals meeting of October 25, 2018 for Variance Approval Extension.

Due to delays in finalizing financing for the project, we are requesting extension of the Variance Approvals granted on 07/27/2017 for this project. Although this project did not receive funding last year, the feedback was that it was a good application and Home Leasing will be reapplying this fall.

If you have any questions, or require additional information, please do not hesitate to contact our office.

Respectfully submitted,

Matt Tomlinson CPESC

cc: Adam Driscoll, Home Leasing

Going the distance for you.

ZONING BOARD OF APPEALS
Draft Minutes
Thursday, July 27, 2017
6:00 pm
Council Board Room
One Batavia City Centre, Batavia, NY

Members present: *Bill Cox, Nick Harris, Paul McCarthy*

Members absent: Deborah Kerr-Rosenbeck, Jim Russell

Others present: Meg Chilano – Recording Secretary, Jason Molino – City Manager, Doug Randall – Code Enforcement Officer

I. Roll Call

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

II. Call to Order

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

III. Pledge of Allegiance

IV. Approval of Minutes

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

RESULT: Approval of June 22, 2017 minutes.

V. Zoning Board of Appeals statement

Mr. McCarthy explained the role of the Zoning Board of Appeals and the procedures it follows.

VI. Variance Requests

- A. Area Variance: construction of a shed addition on the south side of the dwelling within the side yard clear space

Address: 2 Verona Ave.

Applicant: James Basham, owner

Actions: Application removed from agenda.

- B. Area Variance: placement of a 10' x 20' wood frame shed in the west side yard of this corner lot parcel

Address: 23 Madison Ave.

Applicant: Adam Figlow, owner

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

1. Review Application

Acting Vice Chair Nick Harris read the summary of the proposal.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Public hearing opened at 6:10 pm.

The applicant, Mr. Figlow, pointed out that his property is a corner lot and stated that he would like to erect a shed for storage purposes.

There was no one present who wished to speak, and no calls, letters, or email concerning the proposal.

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Cox, and on roll call, was approved 3-0.

RESULT: Public hearing closed at 6:11 pm.

3. Action by the Board

Mr. McCarthy went through the list of supporting criteria for the variances:

- Undesirable change in neighborhood character: no
- Alternative cure sought: no, it's a corner lot
- Substantiality: no
- Adverse effect or impact on neighborhood/community: no
- Self-created: no

MOTION: Mr. McCarthy moved to approve the variance, with a 60 day time limit to obtain the permit. The motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Approval of Area Variance.

- C. Area Variance: placement of a gas fueled 8 kW. electric generator at the northwest corner of the dwelling within the side yard clear space

Address: 657 East Main St.
Applicant: Jennifer DeLong, owner

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

1. Review Application

Mr. Harris read the summary of the proposal.

Mr. McCarthy noted that the Genesee County Planning Board recommended approval of the proposal.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Cox, and on roll call, was approved 3-0.

RESULT: Public hearing opened at 6:14 pm.

Mr. DeLong explained that it was difficult to find a place that was away from windows and a sufficient amount of space away from the neighbor's property. Mr. DeLong had brought photos showing where the generator would be placed.

Mr. Cox asked if the generator is natural gas operated and Mr. DeLong answered yes.

Mr. McCarthy asked about the noise level. Mr. DeLong responded that the generator is a new model that would only run for approximately 10 minutes per week and when the power is out.

There was no one present who wished to speak, and no calls, letters, or email concerning the proposal.

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Public hearing closed at 6:17 pm.

3. Action by the Board

Mr. McCarthy went through the list of supporting criteria for the variance:

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no
- Self-created: no

MOTION: Mr. Harris moved to approve the variance, with 60 days to obtain the permit. The motion was seconded by Mr. Cox, and on roll call, was approved 3-0.

RESULT: Approval of Area Variance.

D. Area Variance: widen an existing 20' wide driveway by placing 10' of Portland cement to the southwest side of the existing driveway

Address: *23 Meadowcrest Dr.*

Applicant: Dennie Loungheed, owner

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

1. Review Application

Mr. Harris read the summary of the proposal.

Mr. McCarthy reported that the Genesee County Planning Board and the Planning and Development Committee both recommended approval of the proposal.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Public hearing opened at 6:19 pm.

Mr. Lounghheed explained that there is a section between the cement pad and the road that becomes muddy when it rains. He said that the driveway tapers and he wants to make the whole thing the same size in order to make it roomier for his RV.

There was no one present who wished to speak, and no calls, letters, or email concerning the proposal.

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Cox, and on roll call, was approved 3-0.

RESULT: Public hearing closed at 6:22 pm.

Mr. McCarthy went through the list of supporting criteria for the variance:

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: similar driveways in the neighborhood
- Adverse effect or impact on neighborhood/community: no
- Self-created: somewhat

3. Action by the Board

MOTION: Mr. McCarthy moved to approve the proposal; the motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Area Variance was approved.

E. Area Variance: clear three parcels, merge the parcels, and erect a four story high rise apartment building

Address: 552, 554, and 556 East Main St.

Applicant: Adam Driscoll (Home Leasing, LLC), developer

Actions:

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

1. Review Application

Mr. Harris read the summary of the proposal. Mr. McCarthy reported that the Genesee County Planning Board recommended approval with modifications: go through SHPO process; obtain a driveway permit from the DOT; and, verify the address for the 911 system. Mr. McCarthy noted that those items do not affect the decision-making process for the ZBA.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Cox, and on roll call, was approved 3-0.

RESULT: Public hearing opened at 6:29 pm.

Matt Tomlinson, engineer for the project, spoke about the proposal. He explained that Home Leasing is operating in partnership with Eagle Star Housing, an agency which transitions veterans back into society. He said that a number of units would therefore be reserved for occupancy by veterans. Home Leasing had applied for two variances. Mr. Tomlinson addressed the variance for the elevator first.

Two elevators are required for the project; Home Leasing proposed one. According to Mr. Tomlinson, good data regarding similar situations indicates that one centrally located elevator large enough to accommodate stretchers and to move furniture should be sufficient. He noted that two stair towers provide multiple means of access. Mr. Tomlinson indicated that a second elevator would create a hardship from a budgetary standpoint.

The second variance concerned parking. Mr. Tomlinson said that building only the amount of parking which is necessary is not only more cost efficient, but is also better for the environment and requires less maintenance. According to Mr. Tomlinson, the typical need for parking in a Home Leasing project is 40% of the population [residency], and considering the partnership with Eagle Star, the need is expected to be even less. He noted that on-street parking is available, and there is also bus service. Additionally, Eagle Star provides a van service for transporting veterans.

Mr. Cox said that he has two concerns: there is less than a 1:1 ratio of parking spaces to units and he believes there should be at least one parking space per unit; and, he also believes there should be two elevators.

Jennifer __, attorney for the project, explained that installing an additional elevator would require sacrificing residential units, rendering the project economically unviable.

Mr. Cox expressed the concern that if there is only one elevator and it is out of service, there may be veterans who are unable to climb the stairs.

Jennifer answered that the elevator would be inspected every year, and Mr. Cox said that machines still break down.

Mr. McCarthy agreed that there is a possibility that the elevator could break down, but said that he did not believe in burdening the project with great expense for a small probability.

City Manager Jason Molino pointed out that NYS building code for this number of units does not require two elevators, and that the City has a fully paid Fire Department available 24/7 to deal with emergencies. He also noted that the Fire Chief has reviewed and approved the plans for the facility.

Mr. Tomlinson added that in the case of a fire, elevator use would not be permitted.

Julie Pacatte, Batavia Development Corp., stated that she has worked with Home Leasing for over a year-and-a-half to put this project together. She noted that from the beginning, Home Leasing wanted a site in Batavia that was walkable. Out of the 55 units in the apartment building, 17 are dedicated veteran units, though it is possible that a greater number of veterans could ultimately reside there.

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Cox, and on roll call, was approved 3-0.

RESULT: Public hearing closed at 6:41 pm.

3. Action by the Board

Mr. Cox asked where the dedicated veteran units are located. Jennifer said that where the veterans choose to live will be a conversation between the veteran and the property manager. She said that any prospective resident, whether veteran or not, will be asked about their preference so that if they want to be on the ground floor, they could exercise that option.

Mr. McCarthy asked if there is an area of the facility designated just to veterans. Jennifer said that there is no one specific area because part of the purpose of Eagle Star is to help veterans re-enter society and community living.

Mr. Cox said that he supports that goal but is still concerned about veterans with mobility issues. He proposed that if Eagle Star could guarantee four fully handicap accessible units on the first floor dedicated to veterans, he would be able to agree to one elevator. Eagle Star consented.

Mr. McCarthy went through the list of supporting criteria for the variance:

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: somewhat
- Adverse effect or impact on neighborhood/community: no
- Self-created: yes

MOTION: Mr. McCarthy moved to approve the variance with the stipulation that **four fully handicap accessible units with preference given to veterans are provided**, with an 18 month time limit to obtain the permit. The motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Approval of Area Variance with above stipulation.

F. Area Variance: construction of a four story mixed use building

Address: *40-52 and 56-70 Ellicott St.*

Applicant: Samuel Savarino (Ellicott Station, LLC), developer

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

1. Review Application

Mr. Harris read the summary of the proposal. Mr. McCarthy reported that the Genesee County Planning Board took no action on the proposal.

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 3-0.

RESULT: Public hearing opened at 6:58 pm.

Mr. Hayes, developer for Savarino, described the need for the variance. The building will consist of four floors of residential units above one floor of parking. The residential portion of the project has 51 units, the amount required to meet the very restrictive underwriting limits. To accommodate the 51 units in a limited amount of space, it was necessary to raise the height of the building, for which a variance is needed.

Mr. Hayes stated that the proposed building will be five stories tall and 60' in height. He noted that there is a building in the downtown area which is six stories tall, and that St. Mary's Church, which is in the same neighborhood, is estimated by the Fire Department to be 65-70' in height. According to Mr. Hayes, the City design guidelines basically say that construction in a neighborhood should be in context with other buildings in the immediate surroundings, and this building meets that description.

Mr. Harris asked how many parking spaces will be available on the first floor and Mr. Hayes replied that there would be 45-50. Mr. Hayes said that the number of parking spaces does not exactly match the number of units, but noted that on-site parking will be available nearby. He said that the indoor parking will cost a modest fee.

Julie Pacatte, Batavia Development Corp., spoke on behalf of the proposal. She said that the BDC has been working on the project for two years and is very excited to have the proposed \$18 million investment in this brownfield site. She noted that the project is consistent with

the re-adaptive use called for in the Brownfield Opportunity Area plans, and that there will be approximately 62,000 sq.' of new development at the site as well.

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Cox, and on roll call, was approved 3-0.

RESULT: Public hearing closed at 7:04 pm.

Mr. McCarthy went through the list of supporting criteria for the variance:

- Undesirable change in neighborhood character: no, it will be an improvement
- Alternative cure sought: no
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no, it will be positive
- Self-created: no

3. Action by the Board

MOTION: Mr. Harris moved to approve both of the variances with 12 month to obtain the permit. The motion was seconded by Mr. Cox, and on roll call, was approved 3-0.

RESULT: Approval of Area Variances.

VII. New Business: none

VIII. Setting of Next Meeting: August 24, 2017

IX. Adjournment

Mr. McCarthy moved to adjourn the meeting at 7:06 pm; Mr. Cox seconded. All voted in favor.

Meg Chilano
Bureau of Inspection Secretary