

ZONING BOARD OF APPEALS

Thursday, October 25, 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 September 27, 2018 minutes
- V. Statement about the role of the Zoning Board of Appeals and the procedure it follows
- VI. Variance Requests

Request #1 *312 Ellicott St.*
Rick Mancuso, owner

Area Variances: The applicant has filed an application (with the PDC) to demolish and remove a “non-conforming use” two-family dwelling from this parcel located in the Central Commercial District.

The applicant proposes to redevelop the parcel for use as a permitted principal use parking area. The neighboring building immediately to the west is 310 Ellicott St. and consists of a first-floor commercial use with a residential use on the second floor. This structure is presently vacant. The neighboring property to the south is 2 Goade Pk. and is occupied as a two-family residential use property. Site restrictions do not allow enough room for proper buffers

Two area variances are requested: one for buffering and one for a fence

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

VII. Setting of Next Meeting: November 15, 2018

VIII. Adjournment

ZONING BOARD OF APPEALS

Draft Minutes

Thursday, September 27, 2018

6:00 pm

Council Board Room

One Batavia City Centre, Batavia, NY

Members present: *Nick Harris, Deborah Kerr-Rosenbeck, Paul McCarthy, Leslie Moma, Jim Russell*

Members absent: Bill Cox

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 by unanimous consent.

RESULT: Approval of August 23, 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

- A. Area Variance: placement of a 6' tall wood frame fence parallel to the north property line with the framing members visible from the neighboring property to the north

Address: *107 Oak St.*

Applicant: Kathleen Curtiss, owner

- Actions:
1. Review proposal
 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 proposal with the stipulation that the applicant must obtain permission from the neighbor to install the fence with the rough side facing out.

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 5-0.

RESULT: Public hearing opened at 6:05 pm.

Ms. Curtiss told the board that the fence needs to be replaced, and her 96-year-old mother, who lives on the property, would prefer to have the fence installed with the smooth side facing her, the same way the fence has always been.

The clerk reported that Mr. Szatkowski, 109-111 Oak St., submitted a letter stating that installing the fence with the smooth side facing in is acceptable to him. There was no one present who wished to speak, and no calls, emails, or other letters regarding the project.

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

RESULT: Public hearing closed at 6:06 pm.

Mr. Russell said that he would normally have a problem with the placement of the fence, however, the existing fence is situated with the smooth side in and this fence is just replacing that one.

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: no
- Adverse effect or impact on neighborhood/community: no
- Self-created: no, it's replacing a fence that already there

MOTION: Ms. Kerr-Rosenbeck 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 5-0.

RESULT: Approval of Area Variance.

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

Address: 7 Burke Dr.

Applicant: John Bryant DeGolia, owner

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

1. Review Application

Ms. Kerr-Rosenbeck read the summary of the proposal. Mr. Randall reported that the recommendation of the Planning and Development Committee is to reduce the width of the driveway to 10', and to taper the edge by the neighboring property instead of making it square.

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 5-0.

RESULT: Public hearing opened at 6:10 pm.

Mr. DeGolia explained that the driveway is scarcely long enough to accommodate his vehicles, one of which is a truck. The driveway also needs some repairs. None of the other residents in the neighborhood park their vehicles in front of their houses. There is a fire hydrant in front of his house which must be kept clear, limiting parking when he has visitors.

There was no one else 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 5-0.

RESULT: Public hearing closed at 6:12 pm.

Mr. McCarthy said that he agreed with the reduction in the width of the driveway because it would leave two feet to the property line rather than placing the driveway right on the property line.

Mr. Harris observed that the driveway will look the same as the one in the neighboring property to the west.

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: no
- Adverse effect or impact on neighborhood/community: no, the neighbors' driveways look the same
- Self-created: no, it's a narrow driveway

MOTION: Mr. McCarthy moved to approve the variance with the modification that the width is reduced to 10' and the end is rounded in a manner similar to the neighbor to the west, with

a 60-day time limit to obtain the permit. The motion was seconded by Mr. Russell, and on roll call, was approved 5-0.

C. Area Variance: construction of a deck within the required front yard clear space

Address: 126 Osterhout Ave.

Applicant: Christopher Valle, owner

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

1. Review Application

Ms. Kerr-Rosenbeck 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 5-0.

RESULT: Public hearing opened at 6:18 pm.

Mr. Valle said that his porch is falling apart and he would like to replace it, but he needs a variance because the porch will not be able to be 10' away from the sidewalk.

Ms. Moma asked if the new porch will be the same size as the previous. Mr. Valle said that the old porch was 5' x 7' and the new porch will be 7' x 10'. He noted that it will be a little bigger but not out of character with the other porches in the neighborhood.

There was no one else 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. Russell, and on roll call, was approved 5-0.

RESULT: Public hearing closed at 6:19 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. Russell moved to approve the variance with 60 days to obtain the permit. The motion was seconded by Mr. Harris, and on roll call, was approved 5-0.

RESULT: Area Variance approved.

- D. Area Variance: placement of a 24' x 30' fuel station pump canopy on this property

Address: *100-102 West Main St.*

Applicant: Rex Cameron (Tritec Construction)

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

1. Review Application

Ms. Kerr-Rosenbeck read the summary of the proposal. Mr. McCarthy reported that the Genesee County Planning Board recommended approval.

2. Public Hearing and Discussion

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

RESULT: Public hearing opened at 6:22 pm.

Mr. Cameron explained that the canopy blew down in the wind storm and the owner of the fuel station would like to put up another canopy. He said that the previous canopy had one column, but the new canopy will have two. Single columns tend to rot at the bottom and become unstable.

There was no one else 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 5-0.

RESULT: Public hearing closed at 6:24 pm.

Ms. Kerr-Rosenbeck said that she thought canopies had to have sprinkler systems, but Mr. Russell responded that though sprinklers were required at one time, the Code no longer requires it.

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. Russell moved to approve the variance with 60 days to obtain the permit. The motion was seconded by Ms. Kerr-Rosenbeck, and on roll call, was approved 5-0.

RESULT: Area Variance approved.

- E. Area Variance: placement of seven non-permitted free-standing/pole signs on this property

Address: 527 West Main St.

Applicant: Bryan Galus (McDonald's USA LLC)

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

1. Review Application

Ms. Kerr-Rosenbeck read the summary of the proposal. Mr. McCarthy reported that the Genesee County Planning Board recommended approval.

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 5-0.

RESULT: Public hearing opened at 6:28 pm.

Mike Wall, TY-Lin, spoke on behalf of the project. Mr. Wall said that the McDonald's has undergone a remodel, and now they want to update the sign package. According to Mr. Wall, the signs are appropriate for maintaining the safety of traffic and creating a more efficient drive-through. He noted that the signs are mostly directional in nature, and since the change in the sign code, are now considered free-standing signs.

There was no one else 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 5-0.

RESULT: Public hearing closed at 6:31 pm.

Mr. McCarthy asked if the signs had been updated when McDonald's remodeled the previous year. Mr. Wall answered that at the time of the previous remodel, the old signs were put up. He noted that the menu boards that were put back up last time are the large menu boards, which will be replaced with new narrower menu boards.

3. SEQR

Mr. McCarthy asked if the board had reviewed part one of the SEQR application and they indicated they had. The board went through the questions for part two.

MOTION: Mr. McCarthy moved to approve a negative declaration of SEQR; the motion was seconded by Mr. Russell, and on roll call, was approved 5-0.

RESULT: Negative declaration of SEQR

4. Action by the Board

MOTION: Mr. McCarthy moved to approve the variance. The motion was seconded by Mr. Russell, and on roll call, was approved 5-0.

RESULT: Approval of Area Variance.

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

Address: 552, 554, and 556 East Main St. (*Home Leasing Project*)

Applicant: Matt Tomlinson (Marathon Engineering)

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

1. Review Application

Ms. Kerr-Rosenbeck read the summary of the proposal.

2. Discussion and Action by the Board

Mr. McCarthy noted that Marathon Engineering applied for the extension with enough notice that he does not have a problem with granting the request for more time.

Mr. Russell, however, believed that they had sufficient time in which to obtain a permit and should not be granted an extension.

Mr. Driscoll, architect for the project, explained that the application for grant money is submitted to the State in December, and awards are made in May or June. They want to be able to demonstrate to the State that if they are awarded a grant, they will be able to obtain the permit.

Mr. Driscoll explained that they were not awarded a grant last year, but after enhancing their application, they are hopeful of receiving one this year. He noted that it is not uncommon to fail to receive an award the first year of application.

Ms. Moma asked if Home Leasing owns the three parcels on which the project will be developed. Mr. Driscoll responded that the parcels are under a purchase contract.

Mr. Russell said he would be willing to grant approval, but that there should be a stipulation that if the permit is not obtained within the newly established time frame, they should have to reapply for the variances.

MOTION: Mr. McCarthy moved to extend the time limit condition to obtain the permit for the two previously approved area variances, with the stipulation that the permit must be obtained 10 months from January 27, 2019. The motion was seconded by Ms. Moma, and on roll call, was approved 5-0.

RESULT: Application approved with the above stipulation.

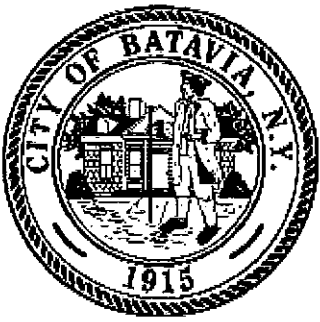
VII. New Business: none

VIII. Setting of Next Meeting: October 25, 2018

IX. Adjournment

Mr. McCarthy moved to adjourn the meeting at 6:51 pm; Mr. Russell seconded. All voted in favor.

Meg Chilano
Bureau of Inspection Secretary



City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020

(585)-345-6345

(585)-345-1385 (fax)

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

From: Doug Randall, Code Enforcement Officer

Date: 10/2/18

Re: **312 Ellicott St.**
Tax Parcel No. 84.066-2-66

Zoning Use District: C-3 (BID)

The applicant, Rick Mancuso (owner) has filed an application to demolish and remove a “non-conforming use” two family dwelling from this parcel located in the Central Commercial District. The applicant proposes to redevelop the parcel for use as a permitted principal use parking area.

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 road or highway.

City Planning and Development Committee- Pursuant to section 190-14 D(2)(a) of the zoning ordinance, the Planning and Development Committee shall review all applications that involve exterior changes requiring issuance of a demolition permit on properties located within the Downtown Batavia Business Improvement District.

BMC 190-14D (2)(d)

Standards to guide committee- See attached

BMC 190-42 G

Landscaping regulations- See attached

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

The neighboring building immediately to the west is 310 Ellicott St. and consists of a first floor commercial use with a residential use on the second floor. This structure is presently vacant.

The neighboring property to the south is 2 Goade Pk. and is occupied as a two family residential use property.

Site restrictions do not allow enough room for proper buffers.

Required variances- Area

- 1) **BMC 190-42 G(1) A 10' buffer of trees, shrubs, plants and grass is required along the property lines in contact with residential use properties. No plantings are proposed between this parcel and the two neighboring residential use properties.**
- 2) **BMC 190-42 G(2) A 6' tall fence with less than 25% open spaces is required along the lot lines in contact with residential use properties. No fence is proposed along the property lines adjoining 310 Ellicott St. There is an existing fence on this property parallel with 2 Goade Pk., the residential use parcel to the south.**

The Planning and Development Committee 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) PDC and ZBAAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345 - 6347 Ext. _____**2. APPLICANT INFORMATION**Name Rick Mancuso Main & Ellicott Properties LLCAddress 216 East Main St.City, State, Zip Batavia, NY 14020Phone (585) 345 - 1000 Ext. _____ Email _____MUNICIPALITY: ☒ City ☐ Town ☐ Village of Batavia**3. TYPE OF REFERRAL:** (Check all applicable items)

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

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:A. Full Address 312 Ellicott St.B. Nearest intersecting road Goade Pk.C. Tax Map Parcel Number 84.066-2-66D. Total area of the property 4487 sq. ' Area of property to be disturbed _____E. Present zoning district(s) C-3**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- 42 G (1) and 190-42 G (2)C. Please describe the nature of this request Approval to remove the building on a parcel located within the B.I.D. and create a space for parking without proper buffers.**6. ENCLOSURES** – Please enclose copy(s) of all appropriate items in regard to this referral

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

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

Email to planning@co.genesec.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 drrandall@batavianewyork.com



City of Batavia, New York
Building Demolition Application – Permit

Permit No. _____

Applicant's Name MAIN + ELLIOTT PROPERTIES LLC

Address 216 E MAIN ST BATAVIA Phone 585-345-1000

Owner's Name MAIN + ELLIOTT PROPERTIES LLC

Address 216 E MAIN ST BATAVIA NY 14020

Location of Structure 312 ELLIOTT ST Type of Structure VACANT HOUSE

Last Use of Structure RENTAL No. of Dwelling Units ONE

Starting Date ASAP Extent of Demolition COMPLETE

Insurance Certificates: Workman's Compensation _____ Expiration Date _____

Liability Insurance _____ Expiration Date _____

Explosives to be used? Yes _____ No X

If yes, name and address of Licensed Operator _____

Notification of City Departments & Utilities via signature:

	Notified	Terminated
Police Chief	_____	_____
Fire Chief	_____	_____
Water Superintendent	_____	_____
Sewer Inspector	_____	_____
Power Company	_____	_____
Gas Company	_____	_____
Telephone Company	_____	_____
Cablevision	_____	_____

Method of Demolition LARGE EQUIPMENT

I (We) hereby agree to be bound by the provisions of the Ordinances, Specifications, and Regulations of the City of Batavia governing demolition work and to such special conditions, restrictions, and regulations as may be imposed by the Director of Public Works.

[Signature]
Signature of Applicant

9/5/18
Date



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 18-16
Hearing Date/Time: _____

APPLICANT: RICK MANCUSO RICK@MANCUSOINVESTMENTS.COM
Name E-Mail Address
216 E MAIN ST 585 345 1000 345 1003
Street Address Phone Fax
BATAVIA NY 14020
City State Zip

STATUS: ☒ Owner _____ Agent for Owner _____ Contractor

OWNER: MAIN & ELLICOTT PROPERTIES LLC
Name E-Mail Address
216 E MAIN ST 585 345 1000 345 1003
Street Address Phone Fax
BATAVIA NY 14020
City State Zip

LOCATION OF PROPERTY: 312 Ellicott St.

DETAILED DESCRIPTION OF REQUEST: REMOVAL OF VACANT RESIDENCE
TO CREATE PARKING FOR NEIGHBORING
OFFICE/RETAIL COMPLEX

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

[Signature]
Applicant's Signature

9/20/18
Date

[Signature]
Owner's Signature

9/20/18
Date



To be Filled out by Zoning Officer

TAX PARCEL: 84.066-2-66 ZONING DISTRICT: C-3 FLOOD PLAIN: A-H

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

Provision(s) of the Zoning Ordinance Appealed: BMC 190-42 G(1) A 10' Buffer of trees, shrubs, Plants and grass is req. along the lot lines in Contact w/ Res. Use properties.
BMC 190-42 G(2) A 6' tall fence with less than 25% open spaces is req. along the lot lines in Contact with Res. Use properties.

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.
PROPERTY IS VACANT AND IS THE CORNER LOT WHICH IF DEVELOPED WOULD BE OF BENEFIT TO EXISTING TENANTS FORRENTS + CUSTOMERS
2. **Alternative Cure Sought.** There are no other means feasible for the applicant to pursue that would result in the difficulty being avoided or remedied, other than the granting of the area variance. THE TENANTS THAT RENT THE PROPERTY AT 314 ELLIOT NEED MORE ACCESSIBLE PARKING ANY NO OTHER OPTIONS EXIST.
3. **Substantiality.** The requested area variance is not substantial. THE VARIANCE REQUESTED IS ABUTTED BY A CONDEMNED BUILDING AND A DRIVEWAY FOR A RENTAL PROPERTY
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. IT IS OF OUR BELIEF THAT IF GIVEN THE VARIANCE AND ABILITY TO MOVE FORWARD THE REMOVAL OF A VACANT STRUCTURE WOULD HAVE NO ADVERSE EFFECT TO THE NEIGHBORHOOD / 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. NO, Not Self-Created


Applicant's Signature

9/20/18
Date

617.20
Appendix B
Short Environmental Assessment Form

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: PARKING ENHANCEMENT			
Project Location (describe, and attach a location map): 312 ELLICOTT ST, BATAVIA, NY 14020			
Brief Description of Proposed Action: REMOVAL OF VACANT RESIDENCE PRIMARILY BOUNDED BY COMMERCIAL/RETAIL PROPERTIES TO CREATE GREATER PARKING AVAILABILITY FOR EXISTING TENANTS			
Name of Applicant or Sponsor: RIKIMANKUSO MAIN & ELLICOTT PROPERTIES, LLC		Telephone: 585 345 1000 E-Mail: RIKIMANKUSOINVESTMENTS.COM	
Address: 216 E MAIN ST.			
City/PO: BATAVIA		State: NY	Zip Code: 14020
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO X	YES
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:		NO X	YES
3.a. Total acreage of the site of the proposed action?		.10 acres	
b. Total acreage to be physically disturbed?		.10 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.10 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
		X	
b. Consistent with the adopted comprehensive plan?		X	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
		X	
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	
	X		
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	X		
b. Are public transportation service(s) available at or near the site of the proposed action?	X		
	X		
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	X		
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	
		X	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	X		
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	X		
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	X		
b. Is the proposed action located in an archeological sensitive area?	X		
	X		
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	
	X		
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: _____	X		
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	X		
16. Is the project site located in the 100 year flood plain?	NO	YES	
		X	
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 checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	X		
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <u>Sheet drain to street storm sewer system</u> <input type="checkbox"/> NO <input checked="" 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	YES
	X	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	X	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	X	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE <i>MAIN ELECTRIC PRO SERVICES, LLC</i> Applicant/sponsor name: <i>X RICK MANCINI</i> Date: <i>9/20/18</i> Signature: <i>[Signature]</i>		

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

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

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

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

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

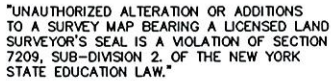
Date

Print or Type Name of Responsible Officer in Lead Agency

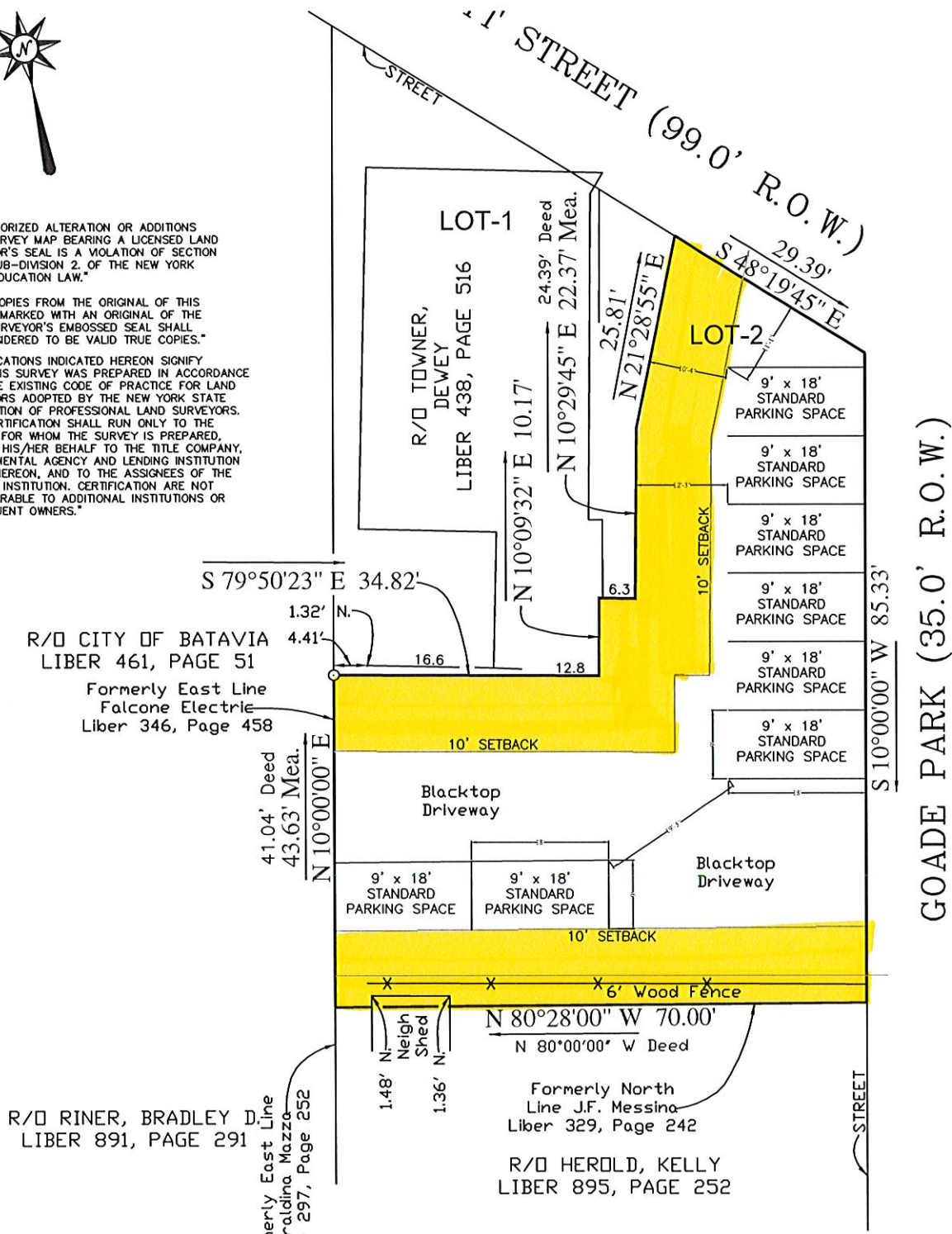
Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)



"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, TO ANY OF HIS/HERSELF TO THE TITLE COMPANY, GOVERNING AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATION ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS."



Google Maps 319 Ellicott St



Image capture: Sep 2017 © 2018 Google

Batavia, New York

Google, Inc.

Street View - Sep 2017





2 Goode Pl.

312 Ellicott St.

310 Ellicott St.

Goode Park

63 Ellicott St.

Hardship criteria and procedures. An applicant whose application to the Committee has been denied may apply to the Zoning Board of Appeals for relief on the grounds that the Committee standards are working a hardship upon him. To prove the existence of a hardship, the applicant shall establish that:

- [1] The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible, if the application is denied. Dollars-and-cents proof shall be presented to the Zoning Board of Appeals by the applicant which demonstrates to the satisfaction of the Zoning Board of Appeals that the applicant's claim of hardship is well founded.
- [2] The property cannot be adapted for any other use permitted by this chapter in the zoning district in which the property is located, whether by the current owner or by a purchaser, which would result in a reasonable return.
- [3] In an application for demolition, reasonable good faith efforts to find a purchaser interested in acquiring the property and preserving it were made and have failed. The Zoning Board of Appeals will hold a public hearing on the hardship application within 90 days of filing the hardship application. Decisions on hardship applications shall be made not later than 60 days from the date of the final hearing.

190-14 D (2) (d) **Standards to guide Committee.** To approve or disapprove an application, the Committee shall consider whether the proposed alteration or construction is compatible with the structure on the property and/or the surrounding properties in the Downtown Batavia Business Improvement District with regard to:

- [1] Neighborhood context. New construction shall be sympathetic to older buildings that surround it.
 - [a] New construction should remain the common setback distance of its neighbors. In the case of a discrepancy of setbacks, the new building should align with at least one of the neighboring buildings.
 - [b] Buildings situated at corners should "wrap" the corner by continuing certain facade elements (such as the cornice or horizontal accent bands) on all street elevations.
 - [c] Main building entrances should face the street whenever possible, should be easily identifiable and scaled to the size of the street which they are on.
 - [d] In the case of large structures, the overall building mass should be made up of smaller components. Large, uninterrupted building masses should be avoided.
 - [e] Additional parking which is required to accommodate a new building should be located in back or in a central courtyard and should be out of sight from the street.
 - [f] Parking lots, service areas and courtyards located within sight of the street should be screened with trees and a low wall or fence to help maintain the street edge. Such parking lots should incorporate a minimum of 10% green space in the parking area.
 - [g]

In the case of larger developments which may occupy an entire block, pedestrian paths which allow the public to circulate through a site are encouraged.

[2] Building height and roof design.

- [a] The height of a building should take into account the heights of buildings in the immediate area. The height of proposed structures should be at least as tall as the lowest of the two neighboring buildings, but no less than two stories, especially at corners and intersections.
- [b] New facades should attempt to coordinate the relative heights of elements with adjacent buildings.
- [c] Longer buildings should provide fluctuations in the roofline which break up the long run of facade and which attract attention to key places such as entryways.
- [d] Air-handling equipment, antennas, satellite dishes and other mechanical equipment should be placed in such a manner as not to be visible from the street.

[3] Building scale.

- [a] The overall facade composition should break the building down into smaller distinct portions to provide a relatively small human scale that is in keeping with the buildings around it.
- [b] The size and scale of materials should complement the size and scale of a building. Small scale materials such as brick and wood are encouraged around pedestrian areas.

[4] Building proportions. The relative shape of a building and its parts with regards to width and height.

- [a] New construction should be sympathetic to the proportions of the surrounding buildings.
- [b] Facade elements such as windows and bays should be of a consistent proportion to each other. Elements which share a common area (e.g., all of the windows at the base level) should be of a consistent proportion and size as well.
- [c] Buildings which are "squat" in proportion or which have very strong horizontal elements that dominate the facade are discouraged.

[5] Facade composition and rhythm. The arrangement of facade elements in a recognizable and consistent composition.

- [a] The rhythm of a facade should complement the rhythm of adjacent structures.
- [b] The use of smaller patterns at the higher floor levels is encouraged to help reinforce a base, middle and top facade composition. (e.g. a wide bay at the

base level would be divided in two at the middle levels, and divided again by two at the top level.)

[6] Facade fenestration. Depth and openings on a facade.

- [a]** The lower floor levels of a facade should provide the highest amount of facade opening and articulation. The ground floor should be very open and inviting to the pedestrian, and employ the strongest use of depth in the facade.
- [b]** The use of depth is encouraged to highlight facade openings such as windows and create a 3-D relief which produces shadows. Windows should not be mounted flush to the exterior of the facade.
- [c]** Window types above the base level should be double hung. Awning or transom windows are encouraged on street elevations. Picture and sliding windows are not recommended.
- [d]** Pairs of window shutters may be used, but should be used consistently and should appear to actually cover the entire window opening when closed.
- [e]** Storefront construction should be recessed enough at the point of entry to allow the door to swing out without obstructing the sidewalk.

[7] Building materials.

- [a]** Building materials and colors should be complementary to adjacent buildings and colors selected should be historically correct. The number of selected colors should be kept to a minimum. A color chart of historic period colors found in the local architecture is available from the Department of Community Development.
- [b]** A single material should be used as the dominant theme in the facade, with secondary materials used only to highlight and accent the design.

[8] Signs and awnings. Signs in the Downtown Batavia Business Improvement District shall comply with § 190-43 and the following:
[Amended 1-23-2017 by L.L. No. 1-2017]

- [a]** Long, continuous lengths of awnings are not recommended. Instead, a series of similar sized smaller ones is preferred.

(e) Submission requirements. All applicants shall submit the following information to the Building Inspector or Code Enforcement Officer:
[Added 11-14-2005 by Ord. No. 7-2005]

- [1]** Photographs of the site and building which clearly show exterior details.
- [2]** Photographs of adjacent buildings or properties.
- [3]** Drawings of the proposed exterior changes which clearly illustrate exterior materials, material dimensions, colors, height, lighting and includes and accurate scale.
- [4]** Material details, specification sheets, and product literature/samples.

completion of all the conditions required, the Code Enforcement Officer shall issue a certificate of compliance.



[Amended 4-22-1991; 3-13-1995; 6-25-2001 by L.L. No. 1-2001]

- (2) The lot shall be used only for the parking of passenger automobiles of employees, customers or guests of the person or firm submitting an application as aforesaid, and such person or firm shall be responsible for the maintenance of the lot and ensuring compliance with the provisions hereof.
- (3) No charge shall be made for parking on the lot.
- (4) The lot shall not be used for sales, repair work or servicing of any kind.
- (5) Entrance to or exit from the lot shall be located so as to do the least harm to the residential district and reasonable time limits for the use of such lot may be established.
- (6) No advertising sign or material shall be located on the lot.
- (7) All parking shall be back of the front yard as defined in this chapter, and no motor vehicles shall be parked within 10 feet of any property line.
- (8) The parking area shall have a fence at least six feet high around the perimeter of the lot, and curbs with bumper tire barriers shall be installed at all parking spaces.
- (9) All lighting shall be arranged so that there will be no glare therefrom annoying to the occupants of adjoining property in a residential district.
- (10) The surface of the parking area and the approaches and exits thereto shall be composed of at least two inches of stone treated with asphaltic road oil or such other surfacing as may be required by the Planning Board and shall be smoothly graded and adequately drained.
- (11) The Planning Board may require such other conditions as may be deemed necessary to safeguard the health, safety and general welfare of the public and to minimize possible detrimental effects of the parking lot on adjacent property.^[1]

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

190-42 G. Landscaping regulations.

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

-  responsibility of the owners of the property and any other tenants who may be in possession thereof.
-  Such fencing referred to above shall be located only as shown on the site plan approved by the Planning Board.