

ZONING BOARD OF APPEALS

Thursday, July 25, 2019

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 June 27, 2019 minutes
- V. Statement about the role of the Zoning Board of Appeals and the procedure it follows
- VI. Variance Requests

A. Request #1

15 Oak St.

James Pontillo, owner

Area Variances:

Widen an existing 24' wide asphalt driveway by placing an additional 15' of asphalt paving for parking on the north side of the existing driveway in the front yard of this property

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

B. Request #2

400 Ellicott St.

James Pontillo, owner

Area Variance:

Place an additional asphalt parking area parallel to Swan Street on this property located within the downtown Business Improvement District (BID)

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

C. Request #3

4 Thomas Ave.

Linda Blankenhorn, owner

Area Variance:

Expand an existing deck with new wood frame construction. Portions of the new construction will be located within the required side and rear yard clear spaces

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

D. Request #4

6 Washington Ave.
Tim Stoddard, contractor

Area Variance: Construct a one-story wood frame addition on the northeast corner of this single-family dwelling. The addition will be located within the required front yard clear space

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

E. Request #5

212 East Ave.
Peter Mendola, owner

Area Variance: Place a 48" tall fence parallel to the south property line, within 15' of the front property line

1. Review application
2. Public hearing and discussion
3. 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

G. Request #7

40-52 Ellicott St.
Samuel J. Savarino, developer

Area Variance: Construction of a five-story residential use building that exceeds both the maximum number of stories and permitted height of a building located within the Central Commercial District

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

VII. Setting of Next Meeting: August 22, 2019

VIII. Adjournment

ZONING BOARD OF APPEALS
Draft Minutes
Thursday, June 27, 2019
6:00 pm
Council Board Room
One Batavia City Centre, Batavia, NY

Members present: *Deborah Kerr-Rosenbeck, Paul McCarthy, Leslie Moma,*

Members absent: Bill Cox, Jim Russell

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

I. Roll Call

Roll call of the members was conducted. Three members were present and 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 May 23, 2019 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: install a non-permitted internally illuminated freestanding pole sign with manually changeable text. The sign is located within the R-2 Residential use district

Address: 25 Edward St.

Applicant: Al Rosemark, VFW Commander

- 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.

2. Public Hearing and Discussion

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

RESULT: Public hearing opened at 6:09 pm.

Mr. Rosemark explained that the existing sign is like a carnival sign and they would like a new one to make the area look better.

Ms. Moma asked if the new sign will be the same size as the previous one, and Mr. Rosemark said that it will.

Ms. Moma asked if there will be a timer on the lighting. Mr. Rosemark answered that the sign will be turned off when the VFW is closed.

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 Ms. Moma, and on roll call, was approved 3-0.

RESULT: Public hearing closed at 6:12 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: 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 Ms. Kerr-Rosenbeck, and on roll call, was approved 3-0.

RESULT: Approval of Area Variance.

- B. Area Variance: install three signs on a service station fuel pump canopy.
 The signs are located within the C-2 Commercial use district

Address: *100-102 West Main St.*

Applicant: Farhan David, 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. McCarthy reported that the Genesee County Planning Board recommended approval of the project.

2. Public Hearing and Discussion

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

RESULT: Public hearing opened at 6:15 pm.

Mr. David told the board that the previous canopy had fallen down and needed replacing. He would like to put the business name on a sign on the canopy, and also place two signs with the business logo on the canopy.

Ms. Moma commented that she does not like lighted signs because she believes the illumination is disruptive to the neighborhood.

Mr. McCarthy indicated that the district is a commercial one.

Ms. Kerr-Rosenbeck pointed out the other businesses in the area also have lighted signs.

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 Ms. Kerr-Rosenbeck, 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: no
- Adverse effect or impact on neighborhood/community: no
- Self-created: no

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. McCarthy, and on roll call, was approved 3-0.

RESULT: Approval of Area Variance.

- C. Area Variance: construct a front entry porch and stairs on the front of the dwelling, and a wood-frame deck on the rear of the dwelling. Portions of the new construction will be located within the side and front yard clear spaces

Address: 6 Manhattan Ave.

Applicant: Jaylene Smith-Kilner, Director, Habitat for Humanity

- 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 Ms. Moma, and on roll call, was approved 3-0.

RESULT: Public hearing opened at 6:25 pm.

Paul Reiner, construction manager, was available to speak about the project. He explained that the porch will be a replacement for what had been on the house when it was originally constructed. He said that the square footage on the porch has been reduced, and the porch will be no closer to the property line than the old one.

Ms. Moma asked if the new porch will connect to a walkway, and Mr. Reiner said it will.

Ms. Moma asked if the walkway will connect to a sidewalk, and Mr. Reiner said it will.

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 Ms. Kerr-Rosenbeck, and on roll call, was approved 3-0.

RESULT: Public hearing closed at 6:27 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: Ms. Kerr-Rosenbeck moved to approve the variance with 60 days to obtain the permit. The motion was seconded by Mr. McCarthy, and on roll call, was approved 3-0.

RESULT: Area Variance approved.

D. Area Variance: place a 12' x 18' wood-frame carport addition to the west side of the existing garage located on this corner lot property

Address: 121 Elm St.

Applicant: Paul Barrett, 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 Ms. Moma, and on roll call, was approved 3-0.

RESULT: Public hearing opened at 6:29 pm.

Mr. Barrett explained that he would like to put a roof over an existing side parking area. It will be open on all sides except for the garage side. The roof will be shingled the same as the garage and the siding will match the garage.

There was no one present who wished to speak; however, there was a letter and an email. Mr. McCarthy read both into the minutes.

The letter was from Leonard Clark, 119 Elm Street. Mr. Clark spoke against the project.

The email was from Stephen Beswick. Mr. Beswick spoke against the project.

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

RESULT: Public hearing closed at 6:39 pm.

Ms. Moma and Ms. Kerr-Rosenbeck agreed that they did not have a problem with the proposal.

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. McCarthy moved to approve the variance with 60 days to obtain the permit. The motion was seconded by Ms. Moma, and on roll call, was approved 3-0.

RESULT: Area Variance approved.

VII. New Business: none

VIII. Setting of Next Meeting: July 25, 2019

IX. Adjournment

Mr. McCarthy moved to adjourn the meeting at 6:51 pm; Ms. Kerr-Rosenbeck seconded. All voted in favor.

Meg Chilano
Bureau of Inspection Secretary



GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID **C-08-BAT-6-19**
Review Date **6/13/2019**

Municipality	BATAVIA, C.
Board Name	ZONING BOARD OF APPEALS
Applicant's Name	James Pontillo
Referral Type	
Variance(s)	Area Variance(s)
Description:	Area Variance to expand a parking area for a turnaround in the front yard. Driveway Width Maximum allowed: 25% of lot frontage area (18 ft.) Existing: 33% (24 ft.) Proposed: 54% (39 ft.)
Location	15 Oak St. (NYS Rt. 98), Batavia
Zoning District	Residential (R-3) District

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

The proposed variances should pose no significant county-wide or inter-community impact.

Director

June 13, 2019

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

GCDP Referral ID C-07-BAT-6-19
Review Date 6/13/2019

Municipality
Board Name
Applicant's Name
Referral Type
Variance(s)
Description:

BATAVIA, C.

ZONING BOARD OF APPEALS

James Pontillo

Area Variance(s)

Area Variance to allow parking spaces in the front yard.

Location
Zoning District

400 Ellicott St. (NYS Rt. 63), Batavia

Central Commercial (C-3) District

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

The proposed variance should pose no significant county-wide or inter-community impact.

Director

June 13, 2019

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

GCDP Referral ID C-13-BAT-7-19
Review Date 7/11/2019

Municipality
Board Name
Applicant's Name
Referral Type
Variance(s)
Description:

BATAVIA, C.

ZONING BOARD OF APPEALS

Linda Blankenhorn

Area Variance(s)

Area Variance to build a new deck for a single-family home.

Side Yard Setback

Minimum required: 12 ft.

Proposed: 3.32 ft.

Rear Yard Setback

Minimum required: 35 ft.

Proposed: 18.13 ft.

Location
Zoning District

4 Thomas Ave., Batavia

General Commercial (C-2) District

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

The proposed variances should pose no significant county-wide or inter-community impact.

Director

July 11, 2019

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

GCDP Referral ID C-14-BAT-7-19
Review Date 7/11/2019

Municipality
Board Name
Applicant's Name
Referral Type
Variance(s)
Description:

BATAVIA, C.

ZONING BOARD OF APPEALS

Samuel Savarino - Savarino Companies LLC

Area Variance(s)

Area Variances to construct a new residential building (part of Ellicott Station Project).

Number of Stories
Maximum Allowed: 4
Proposed: 5

Building Height
Maximum Allowed: 45 ft.
Proposed: 60 ft.

Location
Zoning District

40-52 Ellicott St. (NYS Rt. 63), Batavia

Central Commercial (C-3) District

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

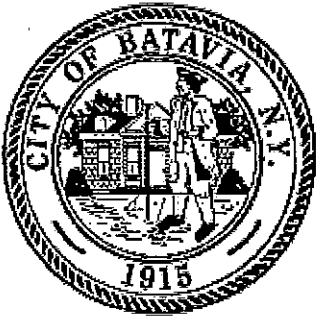
The proposed variances were previously approved by the Genesee County Planning Board.

Director

July 11, 2019

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
Planning and Development Committee
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 5/31/19

Re: 15 Oak St.
Tax Parcel No. 84.006-4-32

Zoning Use District: R-3

The applicant, James Pontillo (owner), has applied for a permit to widen an existing 24' wide asphalt driveway by placing an additional 15' of asphalt paving for parking on the north side of the existing driveway in the front yard of this property.

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 a state road or highway.

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>Existing</u>	<u>Proposed</u>	<u>Difference</u>
Driveway width	18'	24'	39'	21' (between permitted and proposed)

SEND OR DELIVER TO:

GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 815-7901

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) INFORMATION

Board(s) PDC and ZBA

Address One Batavia City Centre

City, State, Zip Batavia, NY 14020

Phone (585) 345 - 6327 Ext. _____

2. APPLICANT INFORMATION

Name James Pontillo

Address 5593 Griswold Rd.

City, State, Zip Byron, NY 14422

Phone (585) 993 - 5593 Ext. _____ Email pontillo.properties@gmail.com

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 15 Oak St.

B. Nearest intersecting road Raymond Ave

C. Tax Map Parcel Number 84.006-4-32

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

E. Present zoning district(s) R-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 190-39 (1)

C. Please describe the nature of this request Approval to expand front yard parking area to exceed 25% of frontage

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

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

Name Douglas Randall Title Code Enf. Officer Phone (585) 345 - 6327 Ext. _____

Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020 Email drandall@batavianewyork.com



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 19-10
Hearing Date/Time: _____

APPLICANT: JAMES D. PONTILLO PONTILLO.PROPERTIES@GMAIL.COM

Name 5593 GRISWOLD ROAD (585) 993-5593
Street Address BYRON NEW YORK Phone 14422
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: 15 OAK STREET

DETAILED DESCRIPTION OF REQUEST: TO ALLOW VEHICLES TO BE ABLE TO TURN AROUND AND NO LONGER HAVE TO BACK INTO THE CONGESTED TRAFFIC ON RT. 98. THIS WILL MAKE IT SAFER FOR ALL.

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 MAY 29, 2019

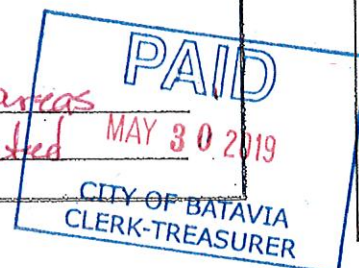
Owner's Signature _____ Date _____

To be Filled out by Zoning Officer

TAX PARCEL: 84.006-4-32 ZONING DISTRICT: R-3 FLOOD PLAIN: AE

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 190-39(1) Parking areas and driveways shall not exceed 1/4 the frontage when located in a front yard.





Permit No. _____
Date: _____

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

ADDRESS OF PROPERTY: 15 OAK STREET

OWNER: JAMES D. PONTILLO JAMESPONTILLO.JP@GMAIL.COM
Name E-mail Address
5543 GRISWOLD ROAD (585) 993.5593
Street Address Phone
BYRON NEW YORK 14422
City State Zip

CONTRACTOR: - SELF -
Name E-mail Address
Street Address Phone
City State Zip
[Signature] APRIL 30, 2019
Owner/Contractor's Signature Date

DIMENSIONS OF EXISTING DRIVEWAY: Width 20' Length 85'

DIMENSIONS OF NEW DRIVEWAY / ADDITION: Width 15' Length 20'

SURFACE MATERIAL: Existing BLACK-TOP Proposed BLACK-TOP

To be filled out by Zoning Enforcement Officer

TAX PARCEL: 84.006-4-32 ZONING DISTRICT: R-3 SURVEY: _____
DIMENSIONS OF LOT: Lot Frontage 72' Front Yard 72'
PERCENTAGE OF LOT FRONTAGE: _____ SURFACE MATERIAL: Asphalt
APPROVED: _____ AREA VARIANCE: ✓ GRADE PLAN: _____
ISSUING OFFICER: _____ DATE: _____

18' Permitted.
24' Existing.
39' Proposed (15' additional)

Criteria to Support Area Variance

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

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

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

NO

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

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

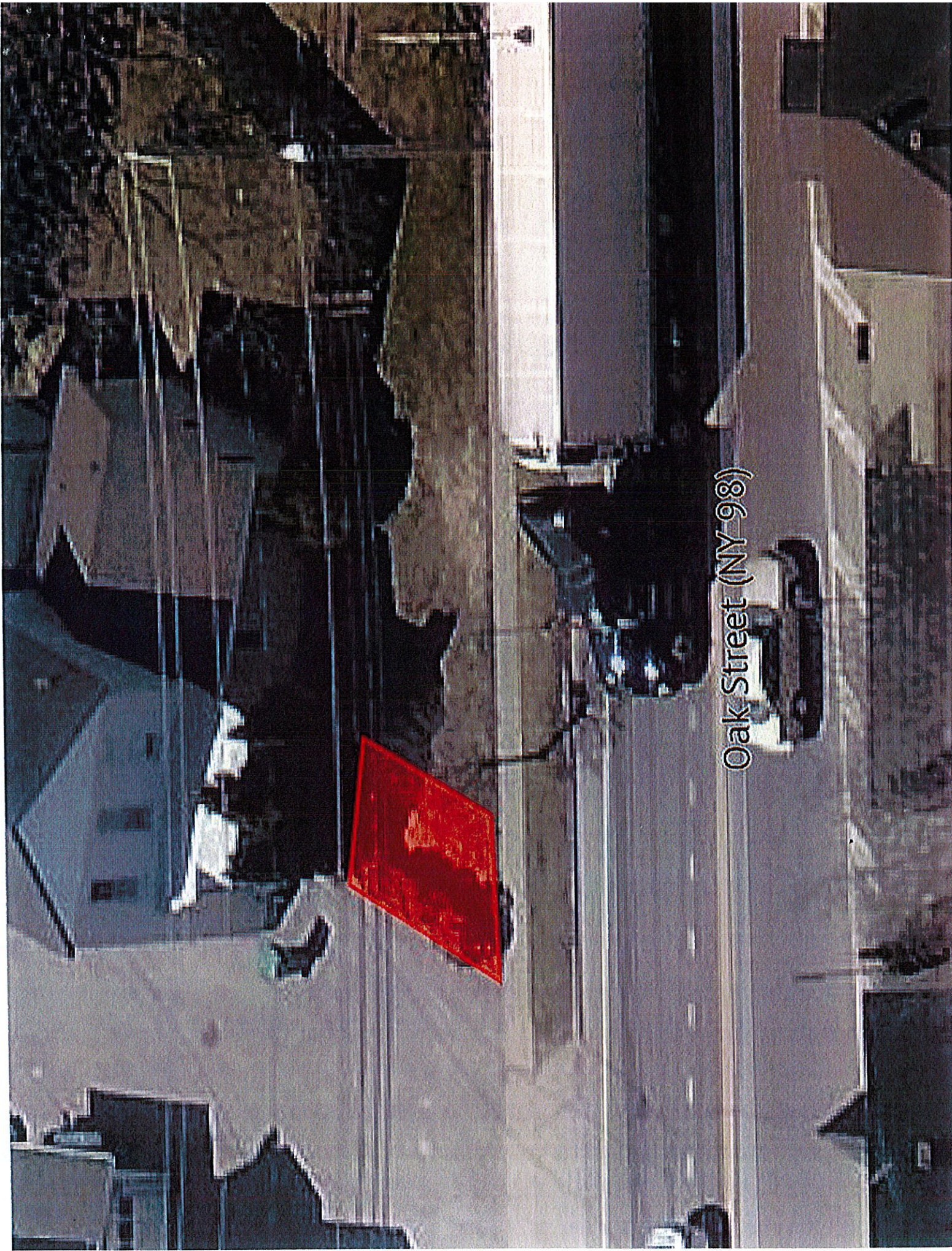
4. **Adverse Effect or Impact.** The requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or community.

NO

5. **Not Self-Created.** The alleged difficulty existed at the time of the enactment of the provision or was created by natural force or governmental action, and was not the result of any action by the owner or the predecessors in title. NO

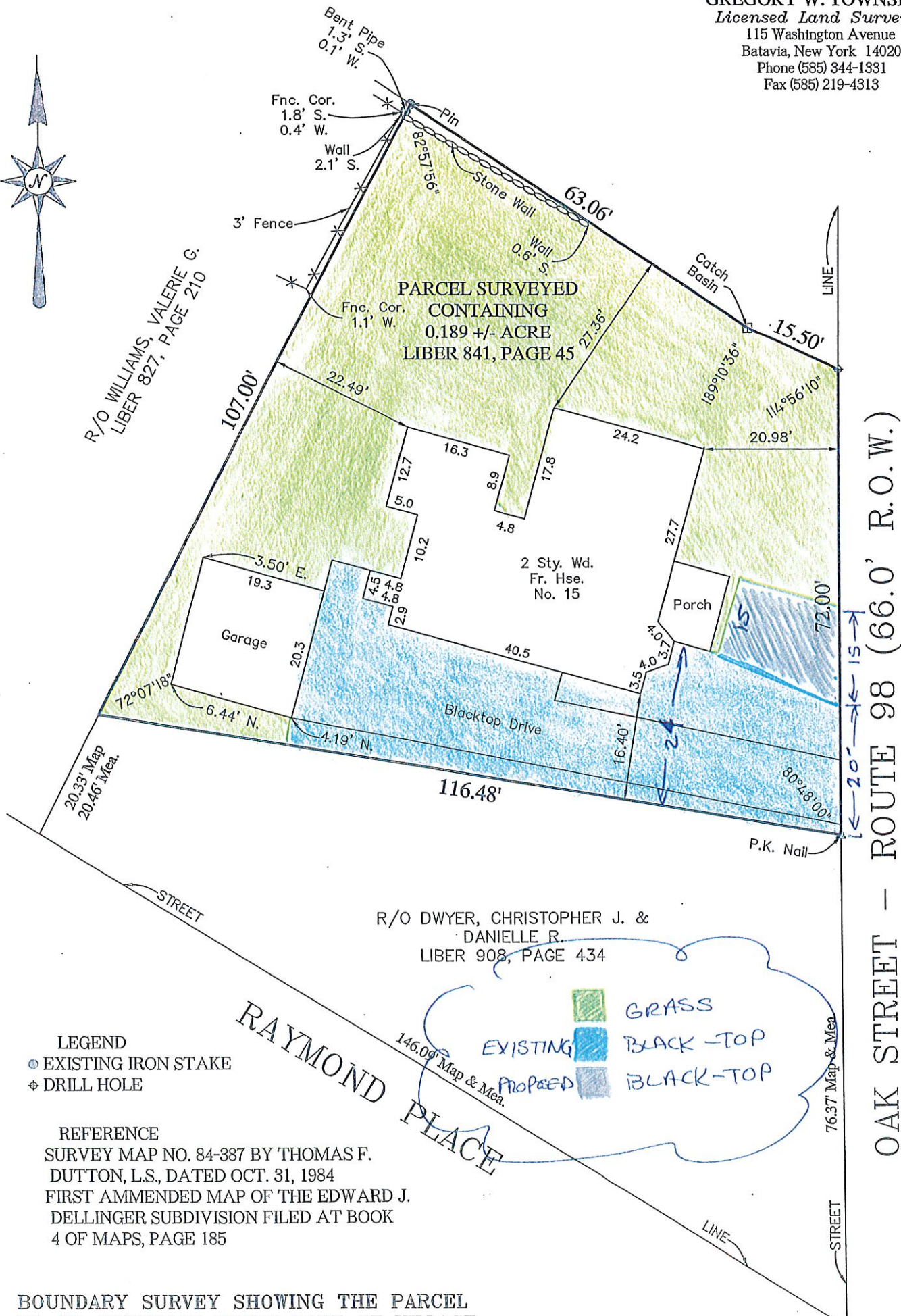

Applicant's Signature

MAY 29, 2019
Date

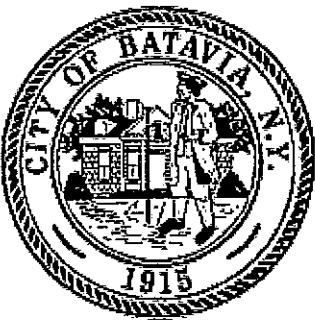


Oak Street (NY 98)

GREGORY W. TOWNSEND
Licensed Land Surveyor
115 Washington Avenue
Batavia, New York 14020
Phone (585) 344-1331
Fax (585) 219-4313



BOUNDARY SURVEY SHOWING THE PARCEL
TO BE CONVEYED BEING PART OF VILLAGE



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: 5/31/19

Re: 400 Ellicott St.
 Tax Parcel No. 84.074-2-1

Zoning Use District: C-3

The applicant, James Pontillo (owner), has applied for a permit to place an additional asphalt parking area parallel to Swan St. on this property located within the Downtown Business Improvement District.

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 a state road or highway

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 190-39 B (1)(a)** All parking spaces shall be located behind or to the side of the principal building.

SEND OR DELIVER TO:

GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 815-7901

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 - 6327 Ext. _____**2. APPLICANT INFORMATION**Name James PontilloAddress 5593 Griswold Rd.City, State, Zip Byron, NY 14422Phone (585) 993 - 5593 Ext. _____ Email pontillo.properties@gmail.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 400 Ellicott St.B. Nearest intersecting road Swan St.C. Tax Map Parcel Number 84.074-2-1

D. Total area of the property _____ 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 190-39 B (1)(a)C. Please describe the nature of this request Approval to place a parking area in front of a principal building located within the C-3 (BID) district.**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**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: JAMES D. PONTILLO PONTILLO.PROPERTIES@GMAIL.COM

Name 5593 GRISWOOD ROAD (585) E-Mail Address 993.5593
Street Address _____ Phone _____ Fax _____
City BYRON State NEW YORK Zip 14422

STATUS: ☒ Owner ☐ Agent for Owner ☐ Contractor

OWNER: - SAME -

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

LOCATION OF PROPERTY: 400 ELLICOTT STREET NEAR

DETAILED DESCRIPTION OF REQUEST: EXTEND DRIVE-WAY ALONG
PROPERTY SO VEHICLES ARE NO LONGER BLOCKING
SIDE-WALK. THIS WOULD MAKE IT SAFER FOR ALL.

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

MAY 29, 2019
Date

Owner's Signature

Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.074-2-1 ZONING DISTRICT: C-3 FLOOD PLAIN: AH

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

Provision(s) of the Zoning Ordinance Appealed: BMC 190-39 B(1)(a) All parking
spaces shall be located behind or to the side of the principal bldg.



Permit No. _____
Date: _____

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

ADDRESS OF PROPERTY: 400 ELLICOTT STREET 12 GAR

OWNER: JAMES D. PONTILLO PONTILLO.PROPERTIES@GMAIL.COM
Name E-mail Address

5593 GRISWOLD ROAD (585) 993.5593
Street Address Phone

BYRON NEW YORK 14422
City State Zip

CONTRACTOR: - SAME -
Name E-mail Address

Street Address Phone

City State Zip

[Signature]
Owner/Contractor's Signature

MAY 29, 2019
Date

DIMENSIONS OF EXISTING DRIVEWAY:

Width 20' Length 13.3'

DIMENSIONS OF NEW DRIVEWAY / ADDITION:

Width 39.2' Length 8.15'

SURFACE MATERIAL: Existing BLACK-TOP Proposed BLACK-TOP

To be filled out by Zoning Enforcement Officer

TAX PARCEL: 84.074-2-1 ZONING DISTRICT: C-3 SURVEY: _____

DIMENSIONS OF LOT: Lot Frontage _____ Front Yard _____

PERCENTAGE OF LOT FRONTAGE: _____ SURFACE MATERIAL: _____

APPROVED: _____ AREA VARIANCE: _____ GRADE PLAN: _____

ISSUING OFFICER: _____ DATE: _____

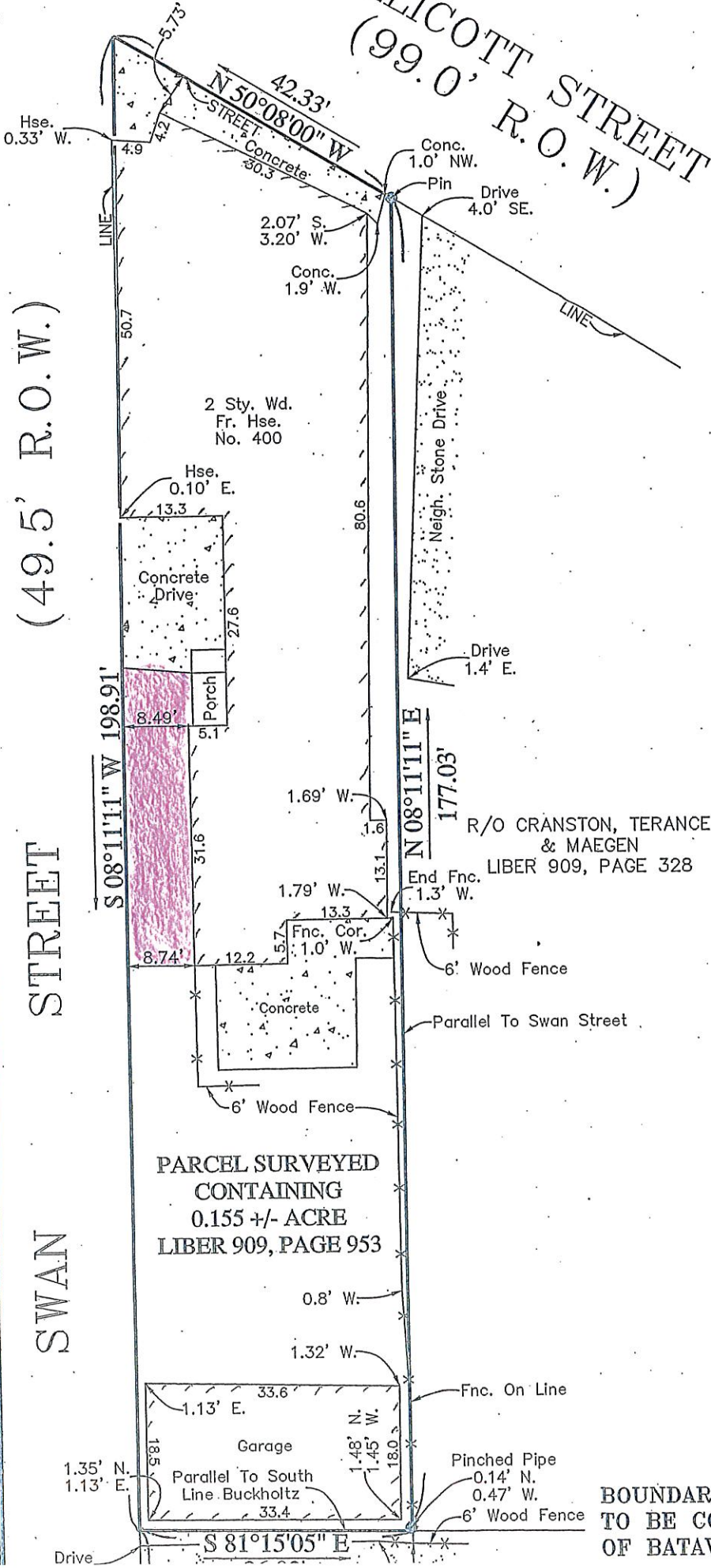


ELLCOTT STREET
(99.0' R.O.W.)

(49.5' R.O.W.)

SWAN STREET

SWAN STREET



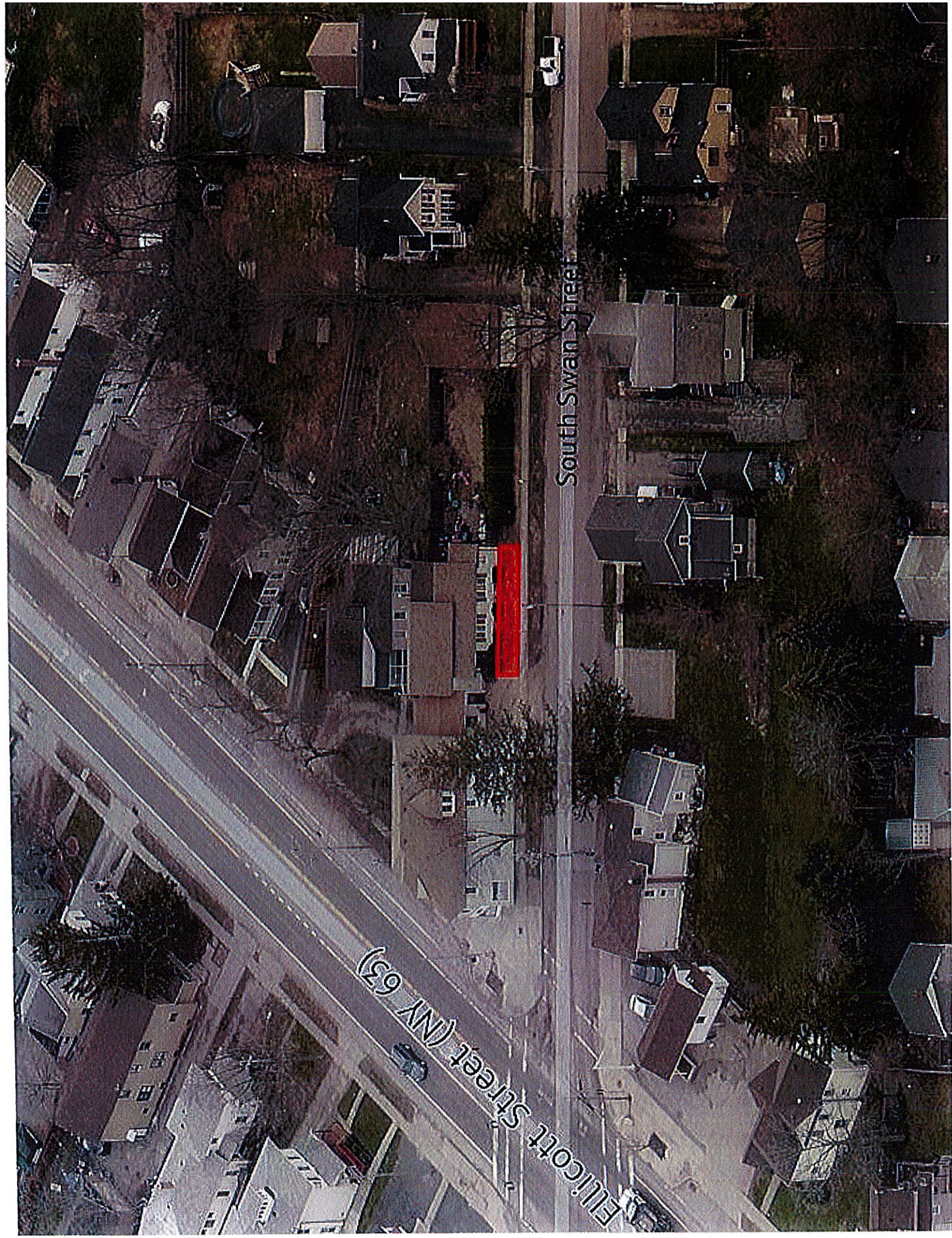
LEGEND
● EXISTING IRON STAKE

"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."

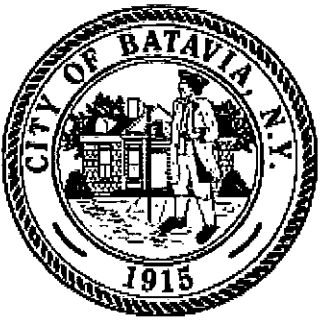
"CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATION SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON 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. SITUATE IN THE CITY OF BATAVIA, COUNTY OF GENESEE AND



South Swan Street

Ellicott Street (NY 63)



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: 7/1/19

Re: 4 Thomas ave.
Tax Parcel No. 84.048-1-15

Zoning Use District: C-2

The applicant, Linda Blankenhorn (owner), has applied for a permit to expand an existing deck with new wood frame construction. Portions of the new construction will be located within the required side and rear yard clear spaces.

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:

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.

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

	<u>Required</u>	<u>Proposed</u>	<u>Difference</u>
Side yard clear space	12'	3.32'	8.68'
Rear yard clear space	35'	18.13'	16.87'

SEND OR DELIVER TO:

GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 815-7901

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 - 6327 Ext. _____**2. APPLICANT INFORMATION**Name Linda BlankenhornAddress 4 Thomas AveCity, State, Zip Batavia, NY 14020Phone (585) 345 - 1604 Ext. _____ Email bblankenhorn@hotmail.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 4 Thomas ave.B. Nearest intersecting road West Main StC. Tax Map Parcel Number 84.048-1-15

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 new deck construction within the side and rear yard clear spaces.**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**7. CONTACT INFORMATION** of the person representing the community in filling out this form (required information)Name Douglas Randall Title Code Enf. Officer Phone (585) 345 - 6327 Ext. _____Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020 Email drandall@batavianewyork.com



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 19-12
Hearing Date/Time: _____

APPLICANT: Linda Blankenhorn bblankenhorn@hotmail.com
Name E-Mail Address
4 Thomas Avenue 585 345 1604
Street Address Phone Fax
Batavia NY 14020
City State Zip

STATUS: ☒ Owner ☐ Agent for Owner ☐ Contractor

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

LOCATION OF PROPERTY: 4 Thomas Avenue Batavia NY

DETAILED DESCRIPTION OF REQUEST: To extend existing deck by 8 feet
which will be 18 feet from rear property
line and 3.4 feet from side yard.

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.

Linda Blankenhorn
Applicant's Signature

6/14/19
Date

Owner's Signature

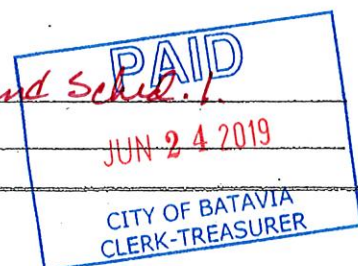
Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.048-1-15 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 190-29 A. and Sched. I.



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.
Proposed deck extension is no wider than current deck which runs along side property; it will continue 3.4' from side property. Deck will extend additional 8' making it 18' from rear property line.
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. NONE
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.
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. NO

Lynda S. Glanville
Applicant's Signature

6/14/19
Date

DATE: 6/3/19APPLICANT NAME & PHONE: Linda & Brian Blankenhorn 585/345-1604**Project Location and Information**

Permit #:

Fee:

Address of Project: 4 Thomas AvenueOwner & Address: Brian & Linda Blankenhorn SAME AS ABOVEPhone: 585 345-1604**Project Type/Describe Work**Estimated cost of work: \$ 2000Start date: 6/15/19

Describe project:

Extend current deck by 8 feet.**Contractor Information** – Insurance certificates (liability & workers comp) required being on file**GENERAL**Name/Address: NA

Phone: _____

PLUMBING (City of Batavia Licensed Plumber Required)Name/Address: NA

Phone: _____

HEATINGName/Address: NA

Phone: _____

ELECTRICAL (Third Party Electrical Inspection Required)Name/Address: NA

Phone: _____

FOR OFFICE USE ONLYZoning District: C-2 Flood Zone: NO Corner Lot: NO Historic District/Landmark: NO

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

National Grid Sign Off (Poo/s): NA Lot Size: 48 x 74Existing Use: 1 family NYS Building Code Occupancy Class: _____Proposed Use: same NYS Building Code Occupancy Class: _____

NORTH BOUNDS MAIN ST. 99 R.O.W.

[Handwritten signature]

JOHN E. MCINTOSH, LAND SURVEYOR

429 PINE ST., LOCKPORT, N. Y., PHONE 3-2535 14 MAIN ST., BATAVIA, N. Y., PHONE FL. 3-5654

RESURVEYED BY MCINTOSH & MCINTOSH, P.C. JANUARY 23, 1992
RESURVEYED BY MCINTOSH & MCINTOSH, P.C. APRIL 14, 1983

SURVEY OF SUB. LOT-4; THOMAS SUBDIV. PT. OF ORIGINAL LOT-14

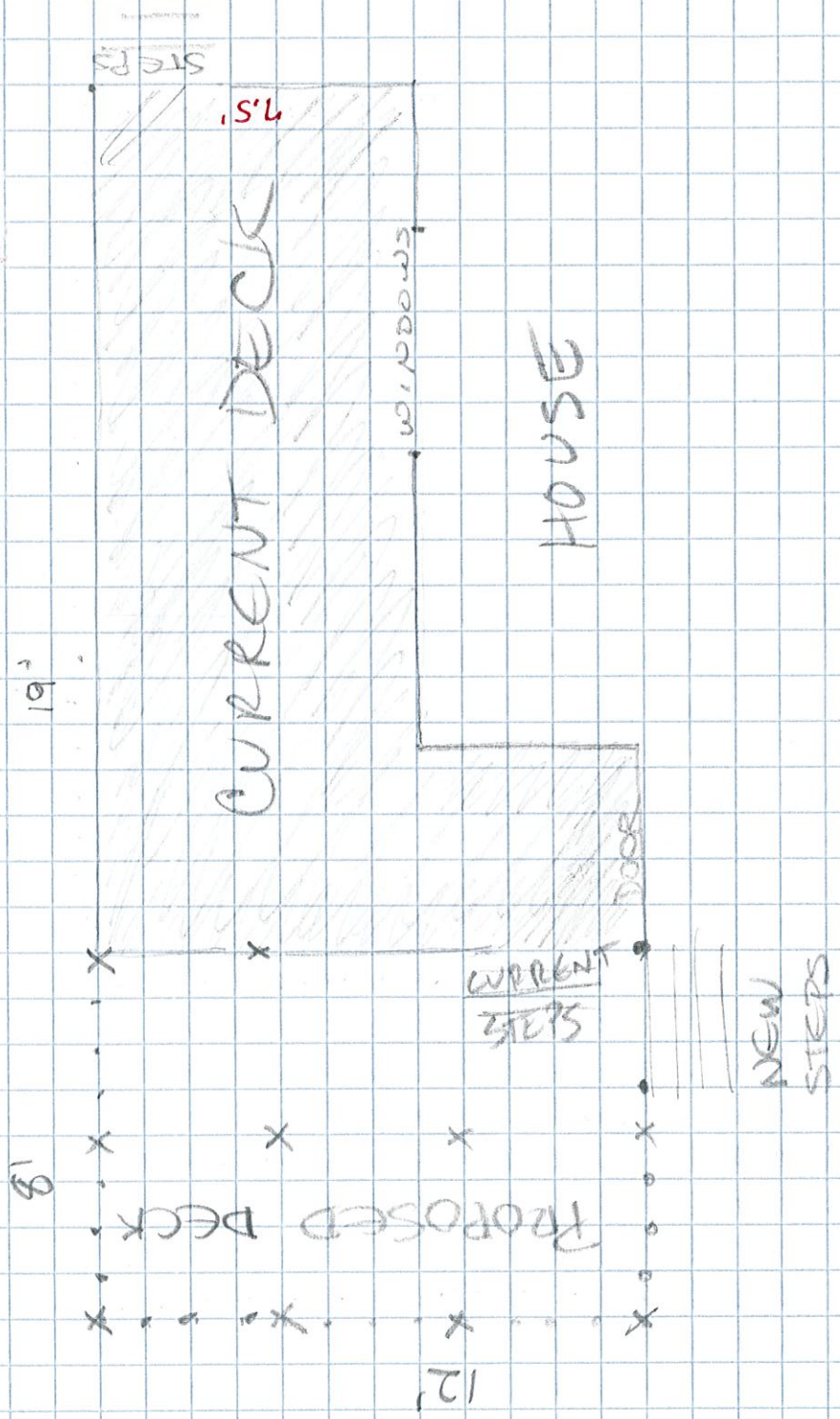
LOCATION CITY OF BATAVIA, GENESEE COUNTY, N.Y.

SCALE: 1"=20' REFERENCE TO A MAP FILED IN BOOK 1, PAGE-41

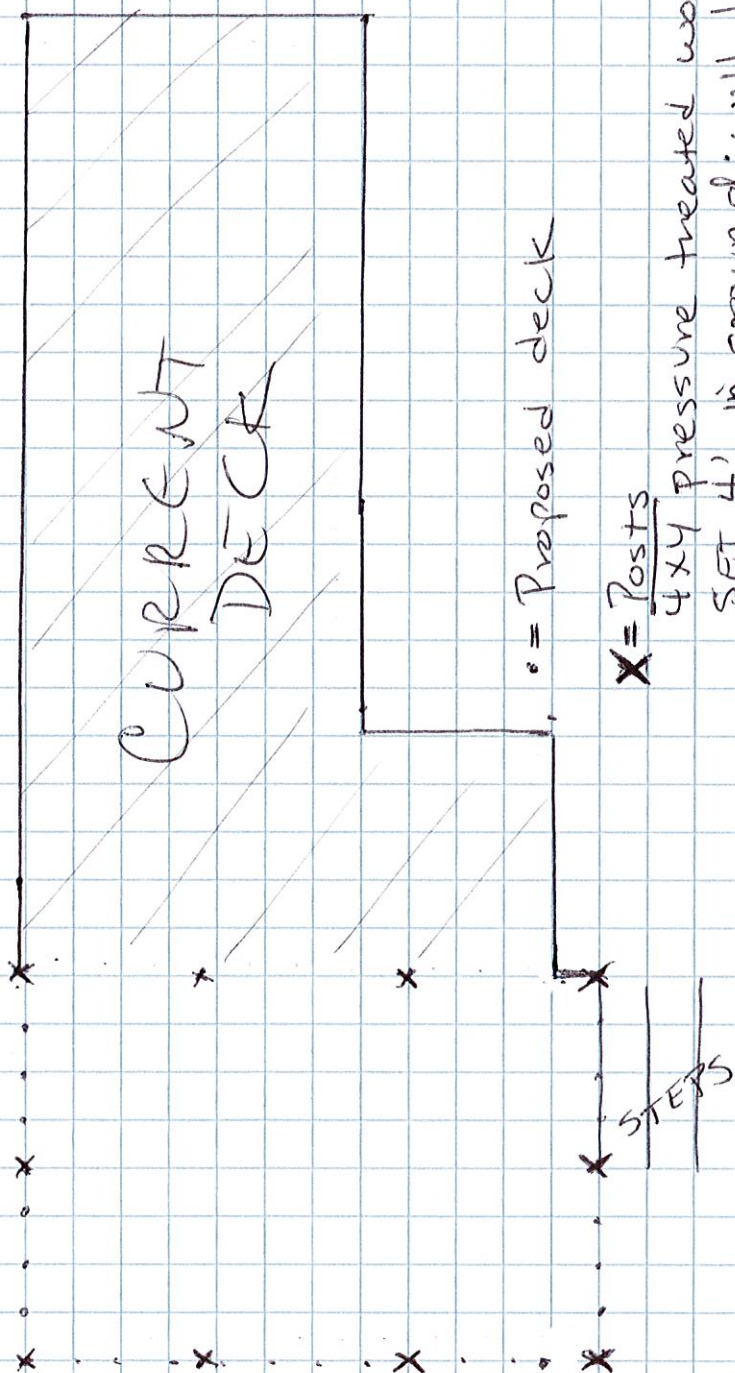
JOB No. **B-1283**

DATE: **MARCH 2, 1960**

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.



X = Post
 • = Proposed Deck Area



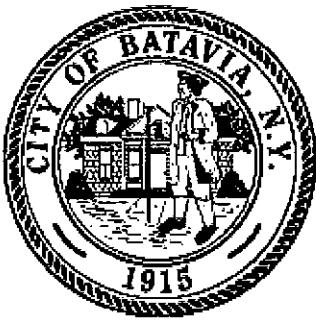
X = Posts

4x4 pressure treated wood
SET 4' in ground; will line up with
CURRENT POSTS

FRAMING
2x8 pressure treated

Joists - 2x8 pressure treated
Spaced 16" on center





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: 7/2/19
Re: **6 Washington Ave.**
Tax Parcel No. 84.010-3-3.1

Zoning Use District: R-1A

The applicant, Tim Stoddard (contractor), has applied for a permit to construct a one story wood frame addition on the northeast corner of this single family dwelling. The addition will be located 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 clear space	20'	7.45'	12.55'



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 19-07
Hearing Date/Time: _____

APPLICANT: Tim Stoddard
Name _____ E-Mail Address _____
20 Kellicott Ave.
Street Address _____ Phone _____ Fax _____
Batavia N.Y. 14020
City _____ State _____ Zip _____

STATUS: ☐ Owner ☐ Agent for Owner ☒ Contractor

OWNER: Lesli Ingalls
Name _____ E-Mail Address _____
6 Washington Ave
Street Address _____ Phone _____ Fax _____
Batavia N.Y. 14020
City _____ State _____ Zip _____

LOCATION OF PROPERTY: 6 Washington Ave. Batavia

DETAILED DESCRIPTION OF REQUEST: _____

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.

Tim Stoddard 5-28-19
Applicant's Signature _____ Date _____
Lesli J Ingalls 5-28-19
Owner's Signature _____ Date _____

To be Filled out by Zoning Officer

TAX PARCEL: 84.010-3-3.1 **ZONING DISTRICT:** R-1A **FLOOD PLAIN:** C
TYPE OF APPEAL: ☒ Area Variance **FEE:** ☒ \$50 (One or Two Family Use)
☐ Use Variance ☐ \$100 (All other Uses)
☐ Interpretation
☐ Decision of Planning Committee

Provision(s) of the Zoning Ordinance Appealed: BMC 190-29 A and Sched 1
Frontyard Clear space shall be 20'



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 undesirable change in neighborhood

2. **Alternative Cure Sought.** There are no other means feasible for the applicant to pursue that would result in the difficulty being avoided or remedied, other than the granting of the area variance. NONE

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

No Adverse Effect or Impact

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. not a result of the owner

or the predecessors

Tara Stoddard
Applicant's Signature

5 - 19
Date

DATE: 6-18-19APPLICANT NAME & PHONE: Tim Stoddard 746-1354**Project Location and Information**

Permit #: _____ Fee: _____

Address of Project: 6 Washington Ave BataviaOwner & Address: Leslie Engelle (same as above)

Phone: _____

Project Type/Describe WorkEstimated cost of work: 25,790.00 Start date: ASAP

Describe project:

See Attached Contract**Contractor Information** – Insurance certificates (liability & workers comp) required being on file**GENERAL****American Home Remodeling****20 Elliott Avenue**Name/Address: **Batavia, New York 14020**

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 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: _____

American Home Remodeling

PROPOSAL

20 Ellicott Ave.
Batavia, New York, 14020
Phone (585)345-4122
americanremodelingonline.com

No. Number

7840

Proposal Submitted to Lesli Ingalls			Phone 704-2040	Date 4 / 03 / 19
Street .6 Washington Ave.			Email Email Address	
City Batavia	State NY	Zip 14020	Job Location Location	
Submitted by TS			Job Phone Phone Number	

We hereby submit specifications

- 1) Build a 15' x 14' new bedroom addition, starting at front east corner going 15' out and 14' back attached to house.
- 2) To be built on block foundation, done by others. With 2"x10" Floor joists on 16" centers. With 3/4" Advantech sub floor. With R-30 batt insulation.
- 3) Walls to be 2"x6" on 16" centers. R-19 batt insulation, 1/2" plywood sheathing.
- 4) Install: 3 dead lite windows side by side 24"x 24" ea. 1 Sunrise D-H window and 1- 5'ft white vinyl Sunrise sliding patio door. (see diagram for locations)
- 5) Roof to be built with 2"x 8" rafters on 16" centers, sheath with 1/2" plywood. R-49 high density insulation. Ice & water roof deck, shingle with black architectural shingles.
- 6) Install: 1/2" drywall, tape, mud and sand to prep for painting. (painting done by others)
- 7) Install: Foundry cedar shake siding to match house. With 1" Styrofoam insulation board. Creating a R-24 walls.
- 8) Install: New white aluminum gutter, with down spout assembly.

Note – Permit fee to be billed at end of job. (actual cost of permit only)

You the buyer, may cancel this transaction at any time prior to the midnight of the third business day after the date of this transaction. Owner agrees that in the event of a cancellation after this specified time, owner shall pay contractor thirty percent (30) of the contract price as liquidated damages for the breach.


Twenty-Five Thousand Seven Hundred Ninety 00/100 dollars (\$25,790.00)

Payment to be made as follows: 10% down, balance on completion

Unless otherwise specified – payment is due immediately upon completion of the job. A 2% finance charge will be added 2 business days after completion on any balance due and 2% each month thereafter.

All material is guaranteed to be as specified. All work to be completed in a substantial workmanlike manner according to specifications submitted, per standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent above strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature



Note: This proposal may be withdrawn if not accepted within 30 business days

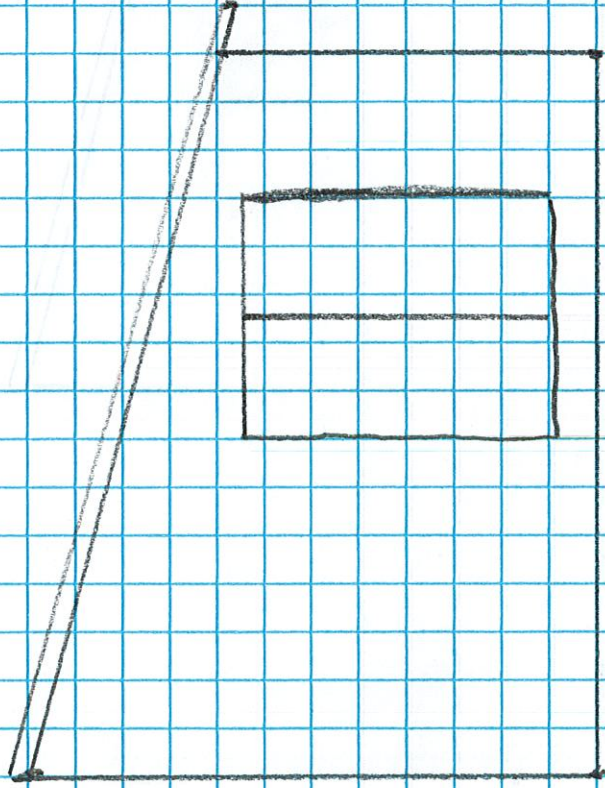
Acceptance of Proposal – the above prices, specifications and conditions are satisfactory and hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

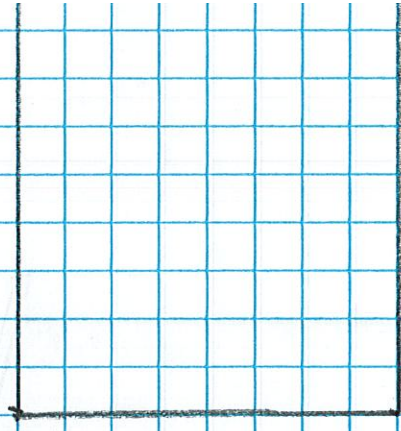
Signature _____

Date of Acceptance 4/10/2019

6 - Washing ton Mo.

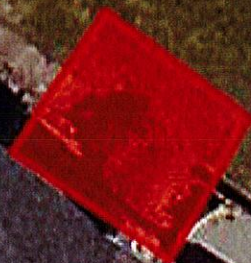


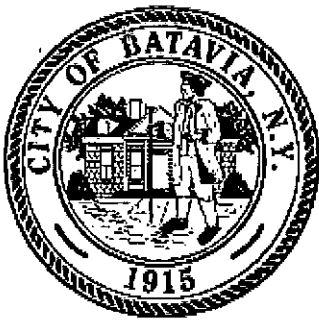
Back View



Side View

Washington Avenue





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: 7/2/19
Re: 212 East Ave.
Tax Parcel No. 84.051-2-6

Zoning Use District: R-1A

The applicant, Peter Mendola (ownsr), has filed an application to place a 48" tall fence parallel to the south property line, within 15' of the front property line.

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:

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. Fences located in residential districts shall not exceed 3' in height above ground when located within 15' of a property line abutting a street.



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 19-13
Hearing Date/Time: _____

APPLICANT:

PETER MENDOLA PMENDOLA42@GMAIL.COM
Name 212 EAST AVE. E-Mail Address 585-230-8704
Street Address BATAVIA Phone 14020
City NY State Zip

PAID

JUN 25 2019

CITY OF BATAVIA
CLERK-TREASURER

STATUS:

☒ Owner _____ Agent for Owner

OWNER:

PETER MENDOLA PMENDOLA42@GMAIL.COM
Name 212 EAST AVE E-Mail Address 585-230-8704
Street Address BATAVIA Phone 14020
City NY State Zip

LOCATION OF PROPERTY: 212 EAST AVE BATAVIA NY 14020

DETAILED DESCRIPTION OF REQUEST:

I BELIEVE THIS FENCE IS AN ASSET TO THE NEIGHBORHOOD AND DOES NOT OBSTRUCT VISION OR ENDANGER ANYONE IN ANY WAY. ITS SOLID BOTTOM AND VIEWABLE TOP SECTION HAS DRAWN MANY COMPLIMENTS

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.

Peter Mendola
Applicant's Signature

6/24/19
Date

Owner's Signature

Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.051-2-6 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:

BMC 190-33 D. Fences in residential districts may not exceed 3' in height when located within 15' of a front property line.

Criteria to Support Area Variance

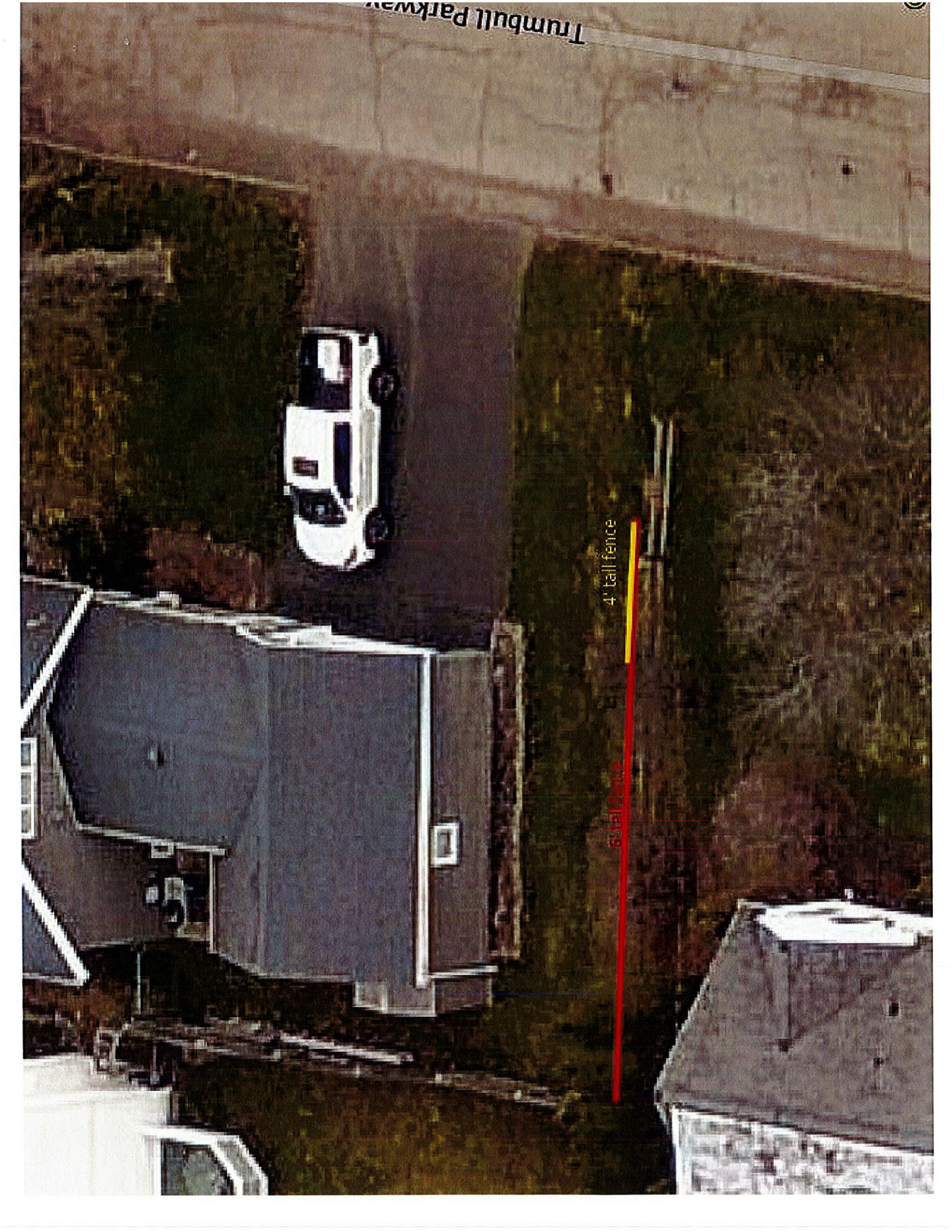
In making its determination, the zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, moral, aesthetics and welfare of the neighborhood or community. The Zoning Board of Appeals shall consider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

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

1. **Undesirable Change in neighborhood Character.** The granting of the variance will not produce an undesirable change in the neighborhood or a detriment to nearby properties.
THE FENCE DOES NOT PRODUCE AN UNDESIRABLE CHANGE
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 OTHER MEANS
3. **Substantiality.** The requested area variance is not substantial. YES IT 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.
THE FENCE IS VINYL AND DOES NOT REQUIRE PAINT OR STAIN
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. NOT SELF CREATED

Pat Mendez
Applicant's Signature

6/24/19
Date

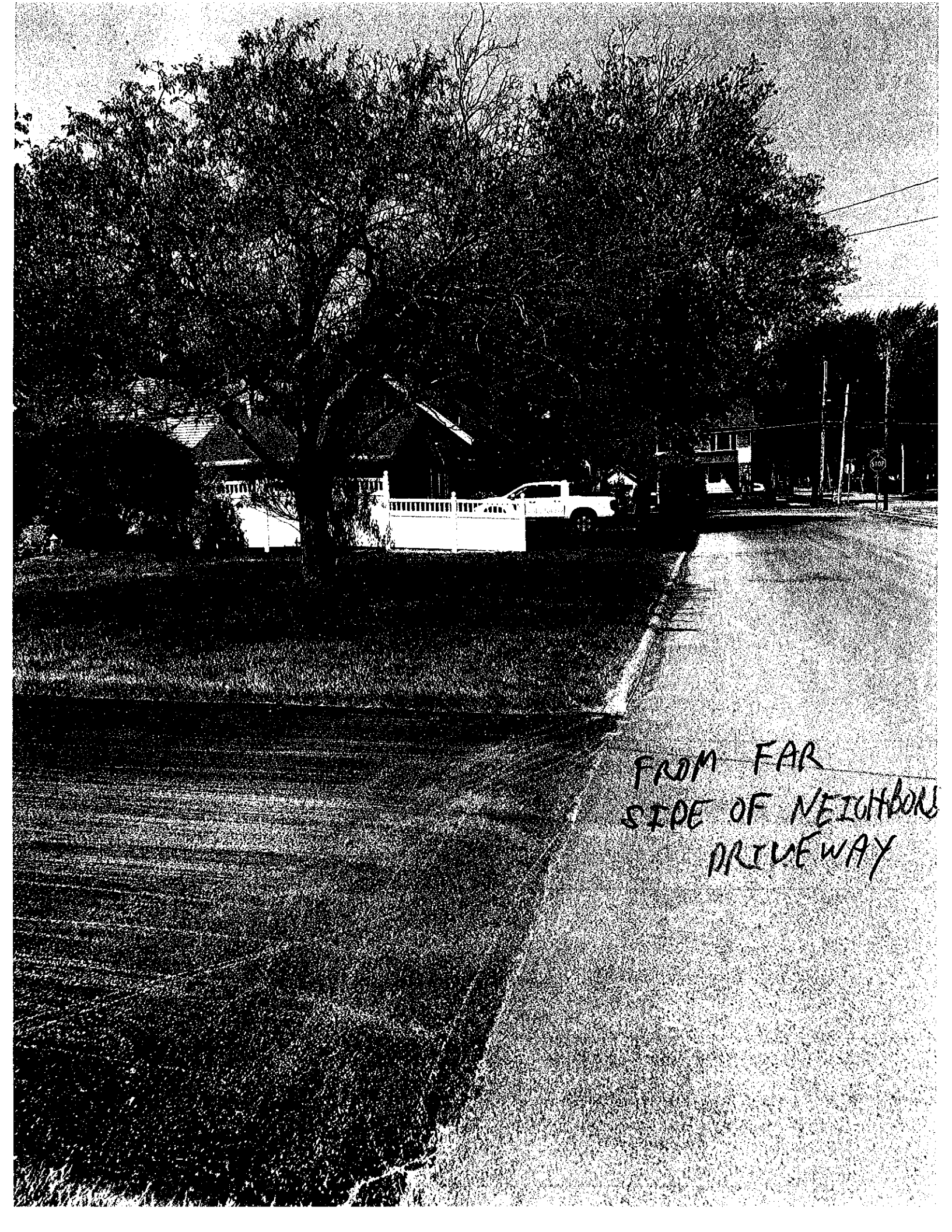


Trumbull Parkway

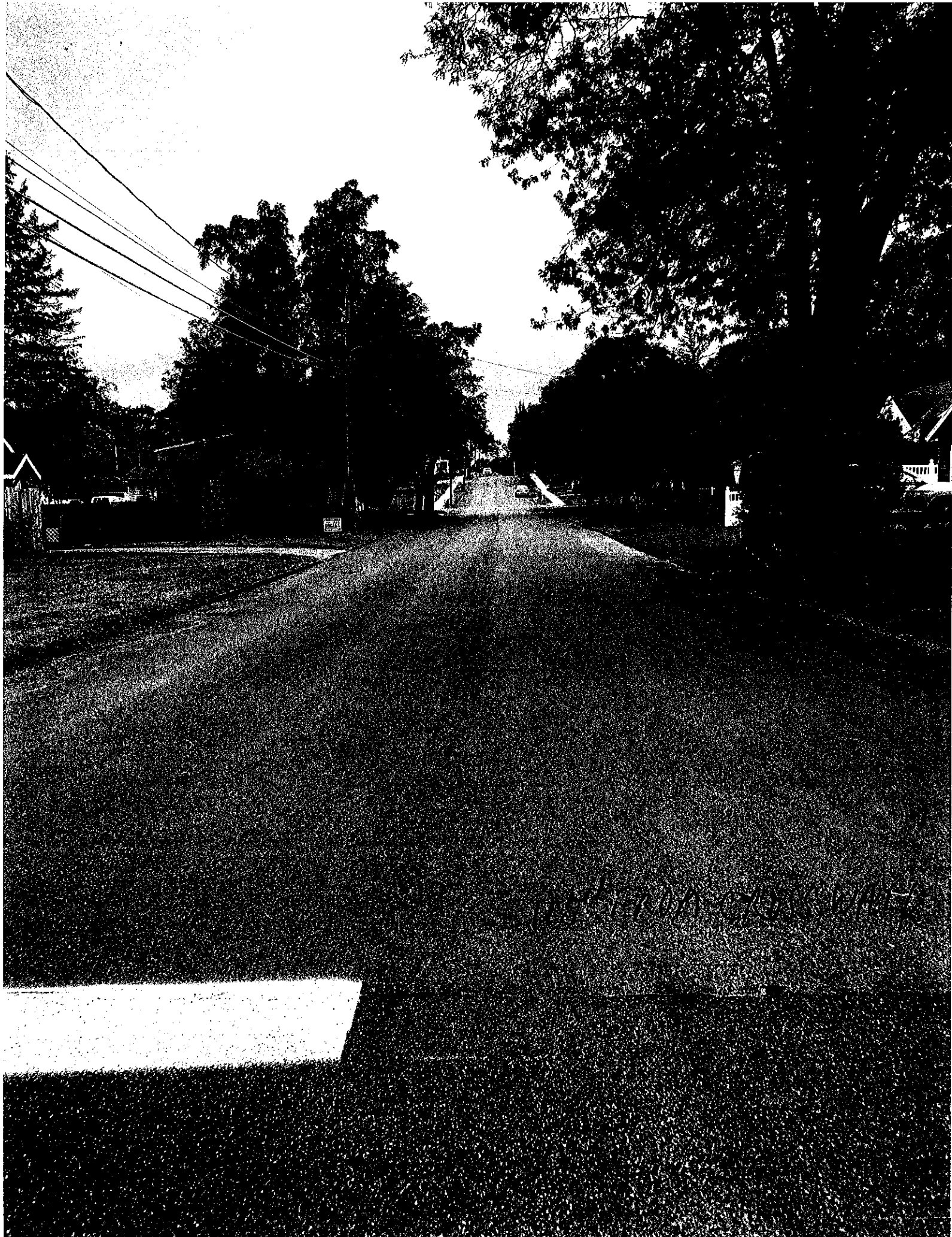
4' tall fence

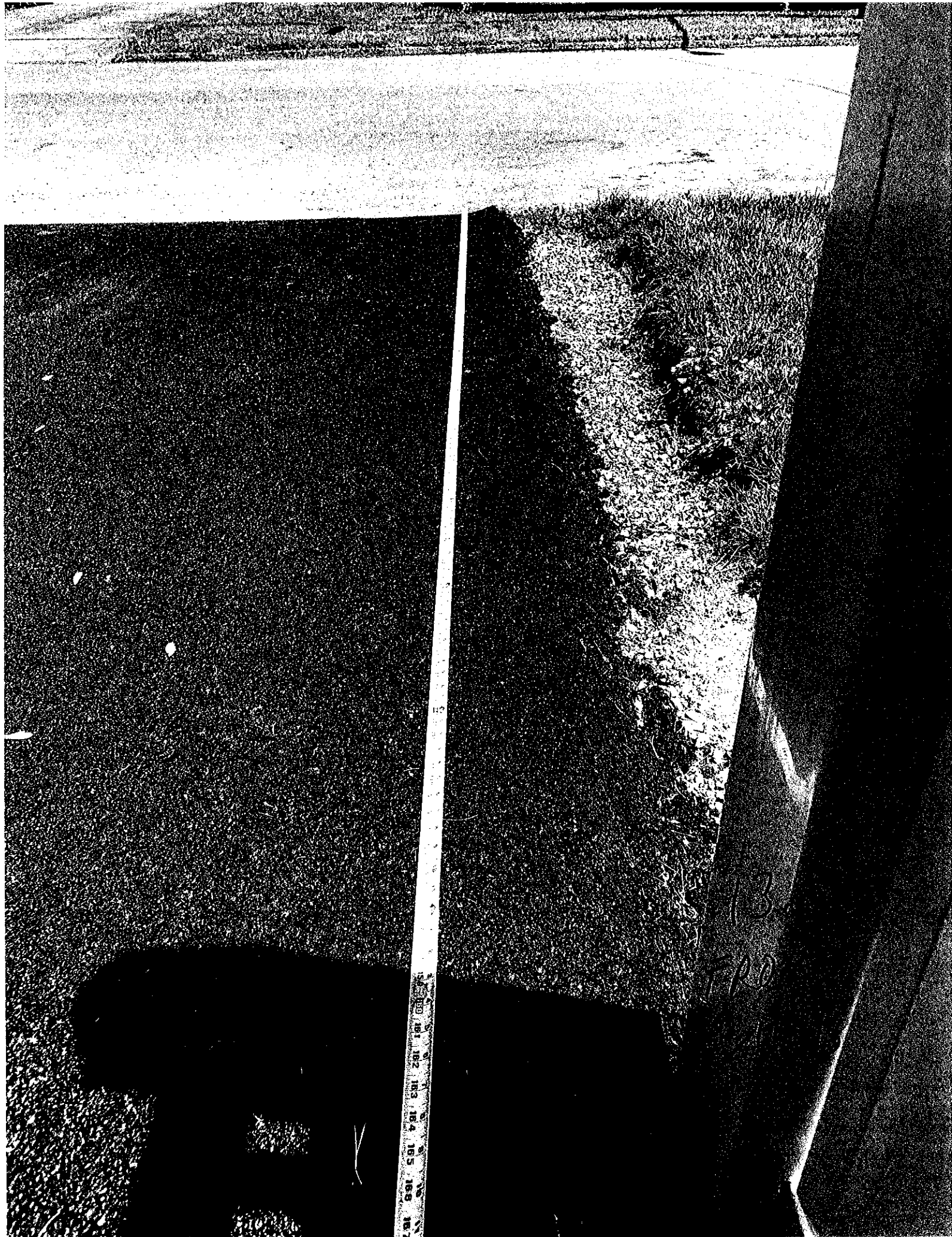
6' tall fence





FROM FAR
SIDE OF NEIGHBOR'S
DRIVEWAY





ELM (41'S WIDE) STREET

EAST

(66' WIDE)

AVENUE

262'50" MAP TOTAL 1 MEAS.

REFERENCES
1) DEED TO: ELIZABETH M. NUGENT &
HELEN L. SMITH L.351 D.313
2) MAP OF: WARD'S SUBDIVISION No.3
FILED: BK.3 PG.101 MAP No.223

LEGEND
○ = IRON PIN SET
● = IRON PIN FOUND
■ = IRON PIPE FOUND

MAP OF A SURVEY
OF LAND BELONGING TO
HELEN L. SMITH
BEING LOT II, BLOCK H OF WARD'S SUBDIVISION No.3,
OF VILLAGE LOTS 42 AND 44
SITUATE IN THE
CITY OF BATAVIA
GENESEE COUNTY, NEW YORK
MAY 14, 1991
SCALE: 1 IN. = 20 FT.

KEVIN M. O'DONOGHUE
LAND SURVEYOR
P.O. BOX 669, RT.13 ROUTE 237
STAFFORD, NEW YORK 14143

I HEREBY CERTIFY TO:
1) FLEET NATIONAL BANK, ITS SUCCESSORS AND ASSIGNS.
2) PETER J. & AMY E. MENDOLA
3) STAKEL SUTTELL INSURANCE COMPANY
4) STEWART TITLE INSURANCE COMPANY
THAT THIS MAP WAS MADE MAY 14, 1991 FROM
NOTES OF A SURVEY COMPLETED MAY 13, 1991.
KEVIN M. O'DONOGHUE, L.S. No. 49514

LOT 10

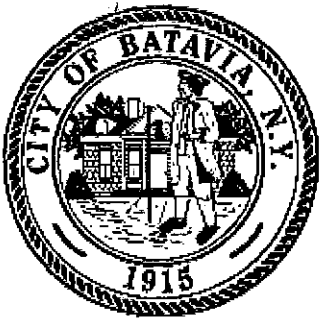
N/E
TERRY P. & KATHRYN PAINE
L.503

N/E
LOUIS A. & ANNETTE CORBELLI
L.406 D.132

G 91-542



TRUMBULL STREET (50' WIDE)



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: 7/2/19
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 ZBA granted two area variances; one to permit the installation of one elevator to serve as both passenger and service elevator rather than install the required one for 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 be located on the first floor with preference given to veterans.

On September 10, 2018, the applicant requested an extension to the time limit condition due to delays in financing. On September 27, 2018, the Board approved an extension of the time limit condition to obtain the building permit, stipulating the permit be obtained ten months from January 27, 2019 (November 27, 2019).

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.

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

June 25, 2019

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 are submitting plans for the above referenced project for your consideration. We request that this project be placed on the agenda for the Zoning Board of Appeals meeting of July 25th for Variance Approval Extension.

Due to delays in finalizing financing for the project, we are requesting extension until 04/27/2020 of the Variance Approvals originally granted on 07/27/2017 for this project. Although this project did not receive funding this year, the feedback from NYSHCR was that it was a very good application however, the Finger Lakes pool was very competitive and they were not able to fund every application.

Home Leasing intends to apply in October 2019 for the early funding round, which has a smaller applicant pool compared to the regular round. If funding is received, the project would break ground early in 2020.

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.



Batavia Apartments
Conceptual Rendering

SWBR



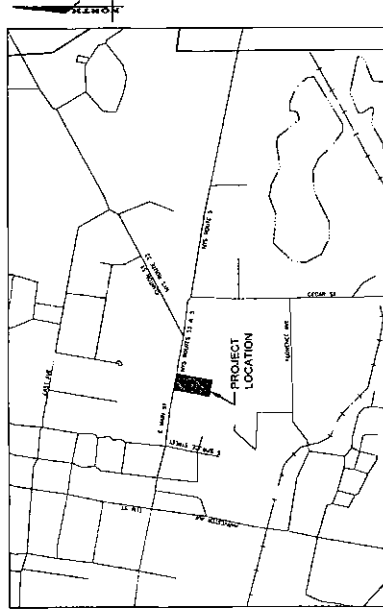
**HOME
LEASING**

PRELIMINARY/FINAL PLANS for HOME LEASING - BATAVIA

552, 554, 556 MAIN STREET

SITUATE IN:

CITY OF BATAVIA - GENESEE COUNTY - STATE OF NEW YORK



LOCATION MAP
NOT TO SCALE

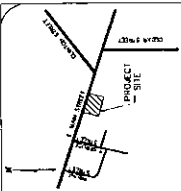
MARATHON
ENGINEERING

39 CASCADE DRIVE
ROCHESTER, NY 14614
PHONE 585-458-7770
www.marathoneng.com

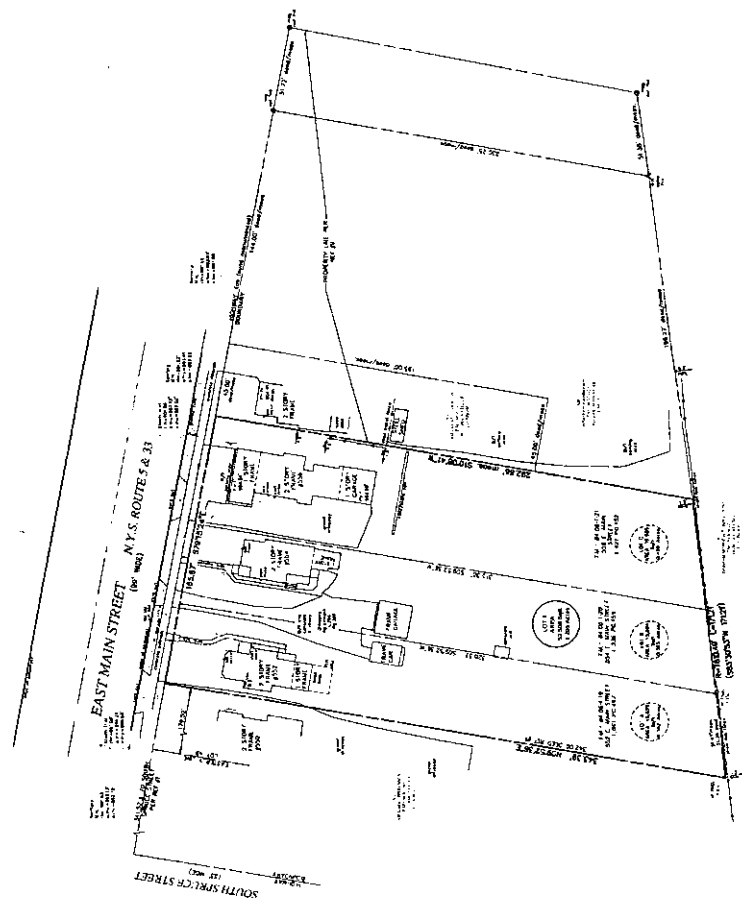
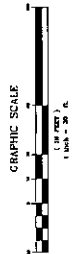
LIST OF DRAWINGS	
No.	Description
1	VI.D EXISTING FEATURES & ELEVATIONS
2	CI.D PAVEMENT PLAN
3	CE.D GRADE PLAN
4	ED.D UTILITY PLAN
5	CD.D CONCRETE & EROSION CONTROL
6	CD.D LIGHTING & IRRIGATION PLAN
7	DB.1 CONSTRUCTION DETAILS 1
8	DB.2 CONSTRUCTION DETAILS 2
9	DB.3 CONSTRUCTION DETAILS 3
10	WD.D WINDOW PLAN
11	WD.1 WINDOW DETAILS

COPYRIGHT © 2017
MARATHON ENGINEERING
OF ROCHESTER, P.C.

SEAL OF PROFESSIONAL ENGINEER
STATE OF NEW YORK
No. 123456789
MARATHON ENGINEERING
OF ROCHESTER, P.C.



CITY OF BATAVIA
LOCATION SKETCH
N.T.S.



- REFERENCES**
1. PLAT OF THE CITY OF BATAVIA, NEW YORK, 1850.
 2. PLAT OF THE CITY OF BATAVIA, NEW YORK, 1850.
 3. PLAT OF THE CITY OF BATAVIA, NEW YORK, 1850.
 4. PLAT OF THE CITY OF BATAVIA, NEW YORK, 1850.
 5. PLAT OF THE CITY OF BATAVIA, NEW YORK, 1850.
 6. PLAT OF THE CITY OF BATAVIA, NEW YORK, 1850.
 7. PLAT OF THE CITY OF BATAVIA, NEW YORK, 1850.
 8. PLAT OF THE CITY OF BATAVIA, NEW YORK, 1850.
 9. PLAT OF THE CITY OF BATAVIA, NEW YORK, 1850.
 10. PLAT OF THE CITY OF BATAVIA, NEW YORK, 1850.
 11. PLAT OF THE CITY OF BATAVIA, NEW YORK, 1850.
 12. PLAT OF THE CITY OF BATAVIA, NEW YORK, 1850.
 13. PLAT OF THE CITY OF BATAVIA, NEW YORK, 1850.
 14. PLAT OF THE CITY OF BATAVIA, NEW YORK, 1850.
 15. PLAT OF THE CITY OF BATAVIA, NEW YORK, 1850.
 16. PLAT OF THE CITY OF BATAVIA, NEW YORK, 1850.
 17. PLAT OF THE CITY OF BATAVIA, NEW YORK, 1850.
 18. PLAT OF THE CITY OF BATAVIA, NEW YORK, 1850.
 19. PLAT OF THE CITY OF BATAVIA, NEW YORK, 1850.
 20. PLAT OF THE CITY OF BATAVIA, NEW YORK, 1850.

MAGDE LAND SURVEYING, P.C.
4400 OLIVER ROAD
NEW YORK, N.Y. 10022
(212) 654-2887
FAX (212) 654-6149
WWW.MAGDELANDSURVEYING.COM

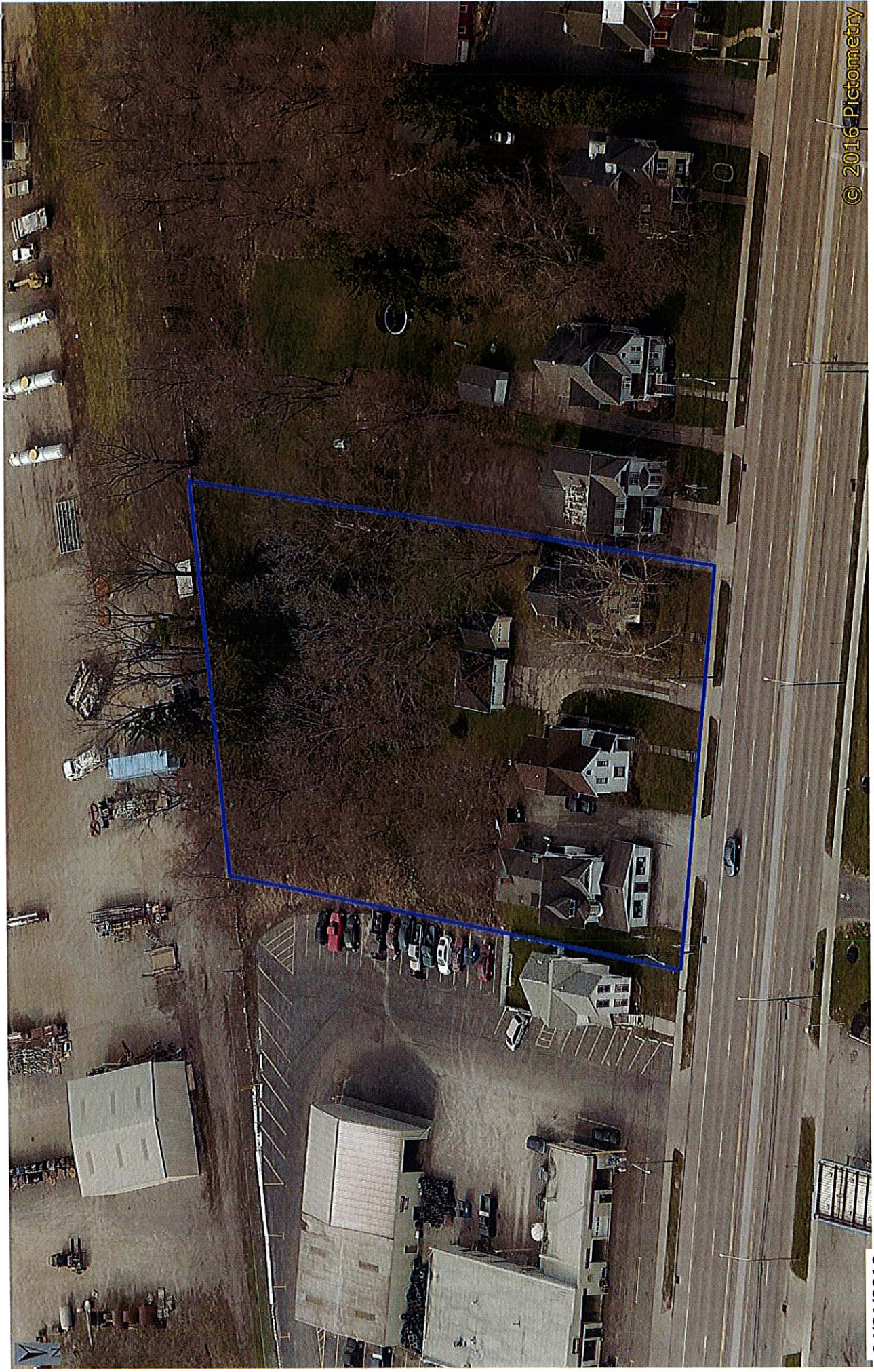
THIS MAP WAS PREPARED BY THE SURVEYOR FROM THE FIELD NOTES AND DATA PROVIDED BY THE CLIENT. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE FIELD NOTES AND DATA PROVIDED BY THE CLIENT. THE SURVEYOR HAS NOT CONDUCTED A PHYSICAL INSPECTION OF THE SITE AND HAS NOT FOUND IT TO BE IN ACCORDANCE WITH THE FIELD NOTES AND DATA PROVIDED BY THE CLIENT.

HOME LEASING - BATAVIA SUBDIVISION
#552, #554 & #556 E. MAIN STREET
CITY OF BATAVIA, CHENEE COUNTY, NEW YORK

NOTES:
1. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE FIELD NOTES AND DATA PROVIDED BY THE CLIENT. THE SURVEYOR HAS NOT CONDUCTED A PHYSICAL INSPECTION OF THE SITE AND HAS NOT FOUND IT TO BE IN ACCORDANCE WITH THE FIELD NOTES AND DATA PROVIDED BY THE CLIENT.

----- Aufg 10a: 'MOSAT'-MATH 40 1.01/82/9 1000 1000 1.01/82/9 20.05 1101 1000 (1000/1000) 0000 0.00, 1000-00101-01001010, 1000, 1000/1000 2

C-22-BAT-7-17



© 2016 Pictometry

04/21/2016

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 Lounghed, 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

ZONING BOARD OF APPEALS

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
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____

Hearing Date/Time: _____

APPLICANT: Adam Driscoll, Home Leasing, LLC

adamr@homeleasing.net

Name

E-Mail Address

180 Clinton Square

585-329-0232

Street Address

Phone

Fax

Rochester

NY

14604

City

State

Zip

STATUS: ☒ Owner

☐ Agent for Owner

☐ Contractor

OWNER: Home Leasing, LLC

adamr@homeleasing.net

Name

E-Mail Address

180 Clinton Square

585-329-0232

Street Address

Phone

Fax

Rochester

NY

14064

City

State

Zip

LOCATION OF PROPERTY: 552, 554, 556 East Main Street, Batavia, Genesee County, NY

DETAILED DESCRIPTION OF REQUEST: 48 parking spaces versus the required 83 parking spaces and one elevator versus two elevators. Please refer to the Letter of Intent for more detailed information.

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.

Matt Tomlinson for Adam Driscoll
Applicant's Signature

6/29/17
Date

*See copy of purchase contract
Owner's Signature

Date

(552) 84.060-1-19
(554) 84.060-1-20
TAX PARCEL: 84.060-1-21

To be Filled out by Zoning Officer

ZONING DISTRICT: C-2-A-3 FLOOD PLAIN: No

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 190-37 c.(2) one pass. Elevator and one Service elevator
Req. per Hydrise. BMC 190-39 A(2)(b) 1.5 parking spaces req. per dwelling unit.

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.

See Attached

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. See Attached

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

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.

See Attached

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. See Attached.

Matt Toulson for Adam Driscoll
Applicant's Signature

6/29/17
Date

Overview

Home Leasing, LLC is proposing to construct a 4-story, 55-unit apartment building on 1.2+/- acres.

We are requesting approval of the following variance from the Zoning Board of Appeals (ZBA):

- 48 parking spaces versus the required 83 parking spaces

Tests for Granting Area Variances

- A. *Explain how your variance request will not result in a substantial change in character to the neighborhood, or detrimentally affect surrounding properties.*

The number of parking spaces is adequate for this project – see attached memo from the applicant, Home Leasing, regarding their experiences at other projects. Having fewer parking spaces on-site increases the attractiveness of this project, thus positively affecting surrounding properties. In addition, stormwater runoff is minimized which reduces the impact to the environment.

- B. *Explain why the difficulty necessitating your variance request can't be solved in another manner not requiring a variance.*

Increasing the number of parking spaces would necessitate reducing the footprint of the building, resulting in fewer units, making the project economically unfeasible.

- C. *How substantial is your variance request in relation to the Code's requirements?*

Code requires:

83 parking spaces

Request:

48 parking spaces, which is adequate to serve the needs of the project.

D. Describe how your variance request is the minimum necessary to grant relief from your difficulty.

The number of planned parking spaces correlates to actual experience of the applicant at similar properties – therefore this request is the minimum necessary.

E. Explain how the proposed variance is consistent with surrounding properties so as not to have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

East Main St is a four-lane State Highway; nearby properties include retail and commercial plaza parking facilities. The parking for the proposed apartment building is to the side and rear of the building, minimizing the visual impact. There are no adverse effects or impacts on the physical or environmental conditions in the neighborhood.

F. Describe how the difficulty which leads to this variance request was not self-created.

The applicant has extensive experience at other, similar facilities. The requirement in the City Code, which does not adequately reflect the parking needs of this particular project, is not a self-created difficulty.

The Project: Home Leasing is proposing a 55-unit apartment community with 48 parking spaces at 556 East Main Street, Batavia. Of the 55 units, HL is planning to set aside a minimum of 30% of the units for supportive housing for homeless veterans served by Eagle Star Housing. The 556 East Main Street site was specifically selected because of its walkability and proximity to a wide variety of community amenities including (grocery, pharmacy, banking services, library, faith communities, restaurants, etc), and access to public transit. Additionally, the community will include indoor bike storage, a well-used amenity. Finally, Eagle Star Housing is planning to provide transportation to all Eagle Star clients who reside in the supportive housing.

Parking Data: Home Leasing conducts an annual audit of parking because on-site property management staff have determined that the properties typically have excess parking – beneficial to neither development and operating budgets nor the environment (run off, heat, less green space). Home Leasing currently operates 18 properties and has an additional 2 under construction. Of the 18 existing properties, 4 are general occupancy, as proposed for Batavia. The properties, located in Elmira, Rochester, Baltimore, and Auburn, range in size from 75 units to 252 units and have a mix of one, two and three bedrooms apartments and/or townhomes.

Home Leasing Parking Audit – December 2016

	Elmira	Rochester I*	Baltimore	Auburn	Total	Rochester II**	Rochester III**
# of Units	102	75	252	150	579	72	50
# of Spaces	100	71	250	223	644	60	19
# Residents (12/16)	184	92	416	145	837	**	**
# Registered Cars (12/16)	47	35	175	79	336	**	**
Avg # Occupied spaces	31	33	108	82	260	**	**
Avg # Unoccupied spaces	69	38	136	141	384	**	**
% Parking Utilization	31%	53%	43%	37%	40%	**	**

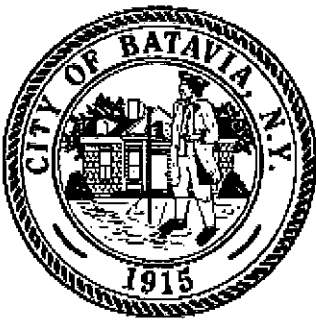
* *Rochester I also includes 8 commercial businesses, property management staff, and staff for supportive housing program*

***Projects with site plan approval*

Based on historic data, Home Leasing anticipates that no more than 40% of residents will have cars. The Elmira, Baltimore and Auburn projects were all existing apartment communities with parking in place when acquired. **Applying HL's historic percentage of 40% of parking utilization to the Batavia property with 55 apartments yields 32 parking spaces.** HL's benchmark is slightly higher than Eagle Star's benchmark of 33% of residents with automobiles. **The proposed parking easily accommodates 3 parking spaces for staff and an additional 10 spaces for visitors/flex.**

DePaul's supportive housing community, across East Main Street from the proposed HL site, provides 32 spaces for 42 units for a ratio of about 3:4 – less than one per unit. HL's project proposes 48 spaces for 55 units, for a ratio of 4:5.

We feel confident that the current proposed number of parking spaces will be sufficient. Additionally, there will be approximately 8-10 on-street parking spaces available in front of the property.



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: 7/1/19

Re: 40-52 Ellicott St.
Tax Parcel No. 84.015-1-2

Zoning Use District: C-3

The applicant, Samuel J. Savarino (developer), has filed an area variance application to permit the construction of a 5 story residential use building that exceeds both the maximum number of stories and permitted height of a building located within the Central Commercial District.

On July 27, 2017 the Zoning Board of Appeals granted two area variances; One to exceed the maximum number of stories from four to five, and one to exceed the maximum height in feet from forty-five to sixty. The Board placed a condition on their approval that the building permit be issued for this building within twelve months.

On July 26, 2018 the applicant requested an extension. The Board granted a six month extension to obtain the permit. The permit has not yet been issued and the two variances have expired. This is a new application for the two requested variances.

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 190-37 I (3) The maximum number of stories permitted is four. Five stories are proposed.**
- 2) **BMC 190-29 A and Sched. 1 The permitted maximum height in feet is forty-five. Sixty foot height above grade is proposed.**

SEQR was previously reviewed by the PDC on 7/18/17 as part of the Site Plan approval.

SEND OR DELIVER TO:

GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 815-7901

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) INFORMATION

Board(s) Zoning Board of Appeals

Address One Batavia City Centre

City, State, Zip Batavia, NY 14020

Phone (585) 345 - 6327 Ext. _____

2. APPLICANT INFORMATION

Name Samuel J. Savarino

Address 500 Seneca St., Suite 508

City, State, Zip Buffalo, NY 14020

Phone (585) 332 - 5968 Ext. _____ Email sam@savarinocompanies.com

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 type="checkbox"/> Other: _____ | |

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

A. Full Address 40-52 Ellicott St.

B. Nearest intersecting road Evans

C. Tax Map Parcel Number 84.015-1-2

D. Total area of the property _____ 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 190-37 I. (3) and BMC 190-29 A. and Schedule I

C. Please describe the nature of this request Approval to exceed the maximum number of stories and height in feet of a new residential use building located within the Central Commercial District.

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

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

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
APPLICATION TO THE ZONING BOARD OF APPEALS

PAID

JUN 27 2019

CITY OF BATAVIA
CLERK-TREASURER

Application No.: 19-19

Hearing Date/Time: _____

APPLICANT: Samuel J. Savarino

sams@savarinocompanies.com

Name	E-Mail Address
500 Seneca Street, Suite 508	716-332-5959 716-332-5968
Street Address	Phone Fax
Buffalo	New York 14020
City	State Zip

STATUS: ___ Owner ☒ Agent for Owner ___ Contractor

OWNER: Ellicott Station Development, LLC

sams@savarinocompanies.com

Name	E-Mail Address
500 Seneca Street, Suite 508	716-332-5959 716-332-5968
Street Address	Phone Fax
Buffalo	New York 14020
City	State Zip

LOCATION OF PROPERTY: 40-70 Ellicott Street, Batavia, New York 14020

DETAILED DESCRIPTION OF REQUEST: Ellicott Station Development, LLC is seeking a height variance to allow for the construction of a 5-story, mixed-use building located at one of the five Strategic Redevelopment Areas with the Batavia Opportunity Area. (Designated by NYS DOS)

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

6.24.19

Owner's Signature

Date

6/24/19

To be Filled out by Zoning Officer

TAX PARCEL: 84.015-1-2

ZONING DISTRICT: C-3

FLOOD PLAIN: AE

TYPE OF APPEAL: ☒ Area Variance
___ Use Variance
___ Interpretation
___ Decision of Planning Committee

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

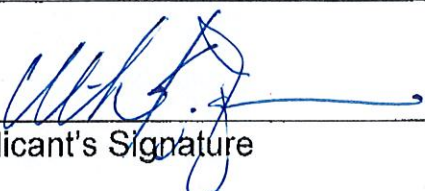
Provision(s) of the Zoning Ordinance Appealed: BMC 190-37 I.(3) Max. height shall be 4 stories
BMC 190-29 A and Sched. 1 Max height is 45'.

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.
Granting the variance will permit the construction of a brand-new multifamily structure with 51 market rate apartments and covered parking.
The new structure will increase density, enhance vitality and create curb-appeal on a currently contaminated and blighted site in downtown Batavia, NY.
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 proposed Ellicott Station Project includes a strategic mix of uses that directly addresses the community goals/needs that were established in the City of Batavia's Brownfield Opportunity Area (BOA) Plan by local stakeholders; the 5-story residential building is required to fit all of the desired uses within the boundaries of the BOA site.
3. **Substantiality.** The requested area variance is not substantial. The 5-story residential building will be built on property that is currently zoned C-2 & C-3 which will allow for commercial and residential uses. We are unsure of any height limitations associated with the above referenced zoning classifications.
4. **Adverse Effect or Impact.** The requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or community.
The requested variance will not have any adverse effect or impact, physically or environmentally in the neighborhood or greater community.
The implemented design standards, with respect to energy and environmental efficiency/impact, will exceed the NYS standards.
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 current zoning regulations and restrictions were established prior to the proposed construction.


Applicant's Signature

6.24.19
Date

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

ZONING BOARD OF APPEALS

Minutes

Thursday, July 26, 2018

6:00 pm

Council Board Room

One Batavia City Centre, Batavia, NY

Members present: *Bill Cox, Deborah Kerr-Rosenbeck, Nick Harris, Paul McCarthy, Jim Russell*

Members absent: *Leslie Moma (Alt.)*

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 June 28, 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 32' of 8' tall fence parallel to a portion of the north property line

Address: *51 Prospect Ave.*

Applicant: *Paula Sullivan, owner*

Actions:

1. Review application
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.

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 6:04 pm.

Ms. Sullivan said that they wish to place a section of fence along the area where they sit outside in order to provide some privacy from the neighbor. A 6' tall fence is insufficient to serve as privacy because of the way the rear yard slopes away from the house.

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. Cox, and on roll call, was approved 5-0.

RESULT: Public hearing closed at 6:06 pm.

Mr. Russell said that normally he is not in favor of fences taller than 6', however in this case, a fence of that height would be useless. The other board members agreed.

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 just the way the yard goes downhill

MOTION: Mr. Russell moved to approve the variance, with a 60-day time limit to obtain the permit. The motion was seconded by Mr. Cox, and on roll call, was approved 5-0.

RESULT: Approval of Area Variance.

- B. Area Variance: placement of an above ground swimming pool on this property in a side yard (north side) of this corner lot property

Address: 9 Hillside Dr.

Applicant: Robert Kuszlyk, 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 6:08 pm.

Mr. Kuszlyk explained that his pool is located directly behind the house on the corner. He pointed out that the neighbor directly behind him on the other corner has the same situation with her pool, which does not affect the rest of the neighborhood. The clerk reported that this neighbor had called regarding the proposal and said that she had no objection to the pool since she has the same situation in her yard.

There was no one present who wished to speak, and no other 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 5-0.

RESULT: Public hearing closed at 6:09 pm.

At this point, Mr. Cox asked that the issue of corner properties be placed on the agenda for the next ZBA meeting. He and the other board members would like to know the process for recommending to City Council a change in the Batavia Municipal Code regarding corner properties.

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: no
- Self-created: no, it's a corner property

MOTION: Mr. McCarthy 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.

- C. On July 27, 2017 the ZBA granted two area variances: one to exceed the maximum number of stories from four to five; and one to exceed the maximum height in feet from 45 to 60. The ZBA placed a condition on their approval that the building permit be issued for this building within twelve months. A permit has not yet been granted. The developer, Samuel Savarino, has asked for a time extension of the previously granted area variance.

Address: 40-52 Ellicott St. (aka Ellicott Station)

Applicant: Samuel Savarino, developer

- 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. Russell wanted to table the application because he believed the notice was too short. Mr. Cox said the permit should have been obtained prior to this time. Ms. Kerr-Rosenbeck commented that if the ZBA approved the proposal the year before, there should be no reason not to extend it. Mr. Randall noted that there were a number of circumstances beyond the contractor's control that contributed to the delay in obtaining the permit. Mr. McCarthy noted that he works on these kinds of projects frequently and there are many circumstances that lead to delays.

MOTION: Mr. Russell moved to table the application; the motion was seconded by Mr. Cox, and on roll call, was disapproved 2-3.

Votes in favor: 2 (Bill Cox, Jim Russell)

Votes opposed: 3 (Nick Harris, Deborah Kerr-Rosenbeck, Paul McCarthy)

Votes abstained: 0

RESULT: Application not tabled.

MOTION: Mr. Harris moved to extend the time table to obtain the permit by 6 months; the motion was seconded by Mr. McCarthy. Mr. Savarino asked to speak. He explained that the review process has taken longer than anticipated. Also, additional time is needed to work out the details of the agreement over the storm sewer which was discovered beneath the building site. Roll was called, and the petition for additional time was approved 5-0.

RESULT: Six additional months granted to obtain permit.

VII. New Business: none

VIII. Setting of Next Meeting: August 23, 2018

IX. Adjournment

Mr. McCarthy moved to adjourn the meeting at 6:20 pm; Mr. Harris seconded. All voted in favor.



Meg Chilano

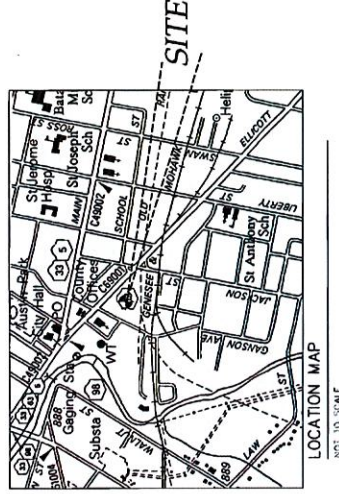
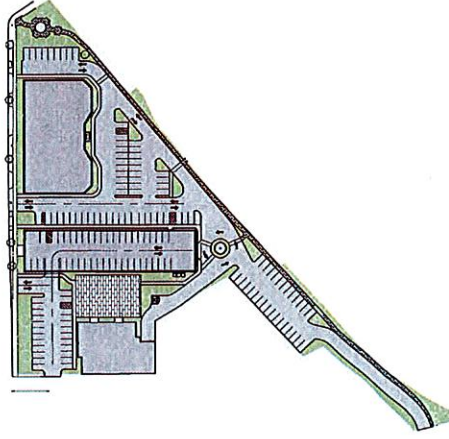
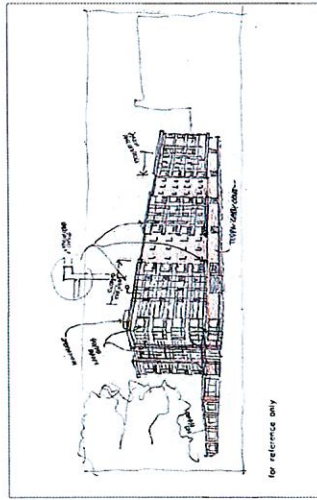
Bureau of Inspection Secretary



ELLICOTT STATION REDEVELOPMENT

ELLICOTT STREET
CITY OF BATAVIA
COUNTY OF GENESEE
STATE OF NEW YORK
MAY 25, 2017

REV JUNE 29, 2017



HB
617 Main Street, Suite 401
Batavia, New York 14003
Telephone (716) 854-2424

**ENGINEERING BUILDING
SYSTEMS**
1000 E. Wayne Ave. Rd.
Suite C
Batavia, NY 14020
Telephone (716) 830-4600

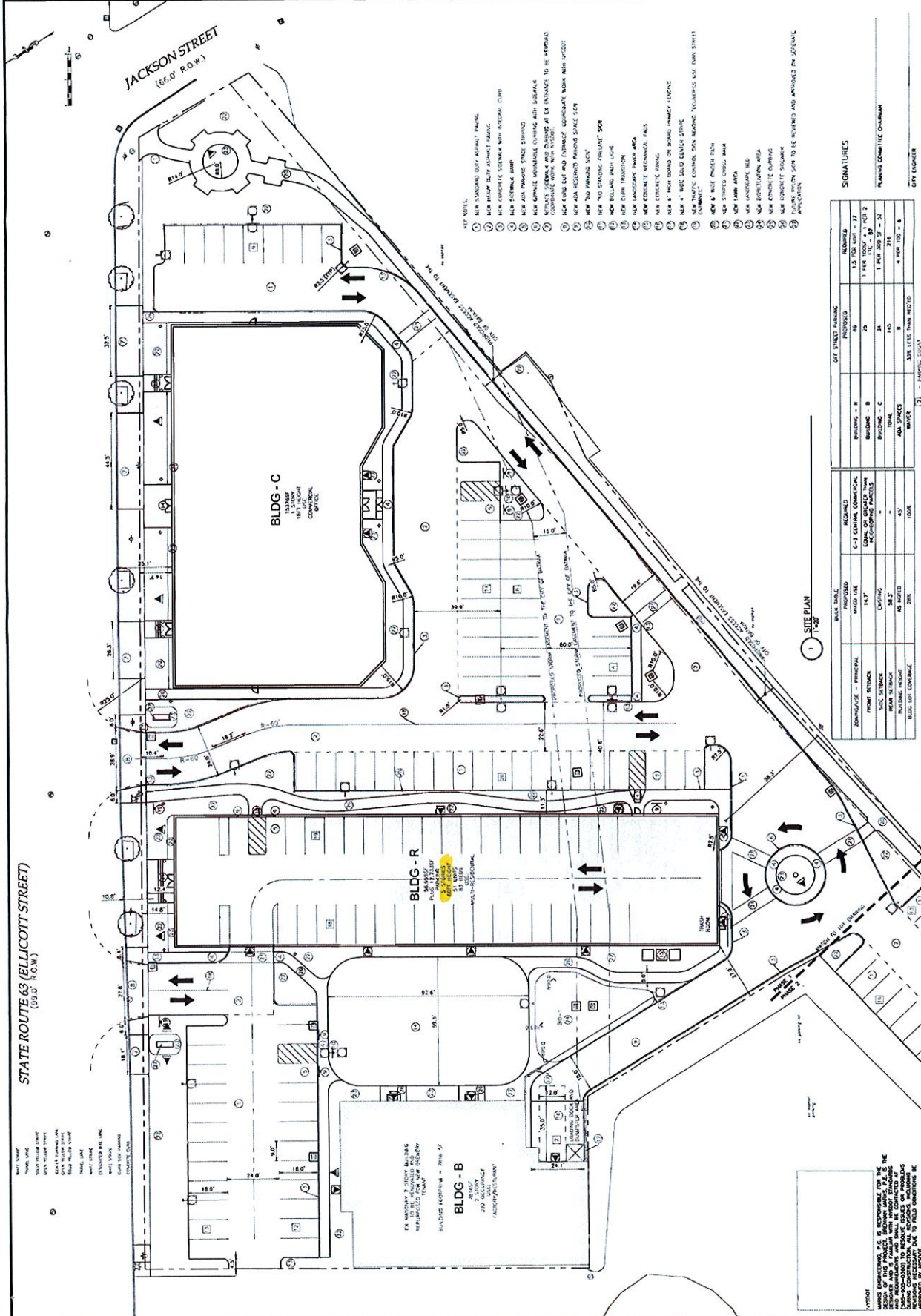
MarksEngineering
42 Denison St.
Batavia, NY 14020
Telephone (585) 329-6138

TREDO ENGINEERS, P.C.
755 Seneca St.
Batavia, NY 14020
Telephone (716) 876-7147

savarino
companies

500 Seneca St.
Suite 500
Batavia, NY 14020
Telephone (716) 333-9909

MARKS ENGINEERING, P.C. IS NOT RESPONSIBLE FOR THE DESIGN OF THE PROJECT OR THE CONSTRUCTION OF THE PROJECT. THE DESIGN AND CONSTRUCTION OF THE PROJECT ARE THE RESPONSIBILITY OF THE CLIENT. MARKS ENGINEERING, P.C. IS NOT RESPONSIBLE FOR THE DESIGN OF THE PROJECT OR THE CONSTRUCTION OF THE PROJECT. THE DESIGN AND CONSTRUCTION OF THE PROJECT ARE THE RESPONSIBILITY OF THE CLIENT.

[illegible]

