

ZONING BOARD OF APPEALS
Draft Minutes
Thursday, January 26, 2017
6:00 pm
Council Board Room
One Batavia City Centre, Batavia, NY

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

Others present: Meg Chilano – Clerk

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 5:55 pm.

III. Pledge of Allegiance

IV. Approval of Minutes

MOTION: Mr. McCarthy moved to approve the minutes as written; the motion was seconded by Mr. Harris, and on roll call, was approved 4-0-1.

Votes in favor: 4 (Nick Harris, Deborah Kerr-Rosenbeck, Paul McCarthy, Jim Russell)

Votes opposed: 0

Votes abstained: 1 (Bill Cox)

RESULT: Approval of December 15, 2016 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 21' round above ground swimming pool with deck in the southeast side yard on this corner lot parcel

Address: 23 Roosevelt Ave.

Applicant: David Culver, owner

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

1. Review Application

Acting Vice Chair Ms. Kerr-Rosenbeck read the summary of the proposal. Mr. McCarthy verified with the clerk 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. Cox, and on roll call, was approved 5-0.

RESULT: Public hearing opened at 6:04 pm.

Mr. Culver's property is located on a corner. He explained that he owns two city lots that have been joined together and he wants to locate the pool in the center.

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 6:12 pm.

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

- Undesirable change in neighborhood character: no
- Alternative cure sought: no other place to put the pool on a corner lot
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no
- Self-created: no, it's a corner property

3. Action by the Board

MOTION: Mr. McCarthy 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: Approval of Area Variance.

B. Area Variance: Installation of a parking lot in the front yard of this church property

Address: 238 Vine St.

Applicant: Robert Greathouse, Trustee for Grace Baptist Church

- 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 PDC recommended approval. Mr. McCarthy verified with the clerk 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. Cox, and on roll call, was approved 5-0.

RESULT: Public hearing opened at 6:25 pm.

Mr. Greathouse explained that the church had expanded the parking in the rear as far as it could. The church continued to grow so it applied and was approved for an area variance to install this parking lot in the front in 2015. Shortly after that time, the church was approached by the owners of an adjacent property, which the church ultimately purchased. The church allowed the permit to expire while arrangements were made for the disposal of the house that had been purchased. The house underwent demolition and asbestos abatement was necessary. The church is now prepared to resume and complete the parking lot project.

Mr. Russell asked the reason why the parking cannot be extended any farther in the back. Mr. Greathouse replied that the area is a wetland.

Ms. Kerr-Rosenbeck asked if there were any calls or email concerning the proposal and the clerk answered there were none.

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 6:30 pm.

Mr. McCarthy stated that he would not be voting because he is the engineer for the project.

Mr. Cox asked about the average attendance on Sunday. Mr. Greathouse answered that there are approximately 375-400 attendees.

Mr. Cox asked about the amount of parking currently. Mr. Greathouse responded that there are about 150 spaces. The new parking lot will create about 50 new spaces, which will eliminate the approximately 20 cars that park on the street now. Mr. Greathouse noted that there is generally more than one person in a car.

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

- Undesirable change in neighborhood character: no, it will improve the situation
- Alternative cure sought: can't, with the wetlands in the back
- Substantiality: pretty substantial
- Adverse effect or impact on neighborhood/community: no
- Self-created: the attendance is increasing

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. Cox moved to approve a negative declaration of SEQR; the motion was seconded by Ms. Kerr-Rosenbeck, and on roll call, was approved 4-0.

RESULT: Negative declaration of SEQR

4. Action by the Board

MOTION: Mr. Russell 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 4-0.

RESULT: Approval of Area Variance.

VII. New Business: none

VIII. Setting of Next Meeting: February 27, 2017

IX. Adjournment

Mr. McCarthy moved to adjourn the meeting at 6:37 pm; Mr. Russell seconded. All voted in favor.



Meg Chilano

Bureau of Inspection Clerk