

ZONING BOARD OF APPEALS
Minutes
Thursday, October 25, 2018
6:00 pm
Council Board Room
One Batavia City Centre, Batavia, NY

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

Members absent: Nick Harris, Jim Russell

Others present: Doug Randall – Code Enforcement Officer

I. Roll Call

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

II. Call to Order

Mr. McCarthy called the meeting to order at 6:02 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 September 27, 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

The applicant proposes to redevelop the parcel for use as a permitted principal use parking area. Site restrictions do not allow enough room for proper buffers.

Area Variance for relief from the requirement to have a 10' buffer of trees, shrubs, plants, and grass along the property lines in contact with residential use properties.

Area Variance for relief from the requirement to place a 6' tall fence along the lot lines in contact with residential use properties.

Address: *312 Ellicott St.*

Applicant: Rick Mancuso, 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 disapproval of the proposal on the basis of substantiality, but the Planning and Development Committee 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 4-0.

RESULT: Public hearing opened at 6:09 pm.

Mr. Mancuso explained that when he originally purchased the property, his intention was to lease it. However, the house is dilapidated, and according to Mr. Mancuso, making it into a rentable condition would not be economically feasible. He pointed out that the parking area of the adjacent plaza is dangerous and that demolishing the house to create more parking would solve that problem also.

Ms. Moma asked in what way the parking lot is dangerous. Mr. Mancuso answered that the plaza is filled with thriving businesses and the heavy traffic created by patrons is hazardous to those using the parking area. The busy nature of the plaza has left the employees without enough space to park.

Mr. Mancuso proposed that the tenants should use the newly created parking area, freeing up space in the plaza lot and rendering the area safer.

Ms. Moma asked if the eight additional spaces would be sufficient for tenant parking, and Mr. Mancuso said it would, especially considering that the new lot would be adjacent to the City owned parking lot on Liberty St.

Mr. Cox asked how Mr. Mancuso intended to keep random vehicles out of the lot, and Mr. Mancuso responded that signage would be posted indicating the parking lot is intended for the usage of the tenants of the three businesses located in the plaza.

Ms. Moma suggested it would be possible for the tenants to park in the lot across the street behind Wortzman's Furniture Store, which is a City owned parking lot.

Ms. Kerr-Rosenbeck asked why Mr. Mancuso should not be allowed to do as he wishes with the property as long as he can make the area aesthetically acceptable.

Mr. Mancuso pointed out that the parking area he wishes to create is a permitted principal use within the zoning district.

Kelly Herrold, 6 Goade Pk., related that she owns four of the seven houses on Goade Pk. She stated that she is not opposed to Mr. Mancuso's proposal to demolish the house and make a parking lot. At the moment, the area is dangerous because there is not enough parking and

patrons of the pizzeria park on narrow Goade Pk. as if it were a parking lot, creating hazardous conditions. She noted that semi-trucks making deliveries to the pizzeria park in the same manner on the narrow street, preventing residents from either accessing or leaving their houses.

Ms. Herrold added that she thinks using the Wortzman parking lot for tenant parking is a bad idea because they would have to cross a street traveled heavily by trucks.

Ms. Herrold told the board she had asked Mr. Mancuso about lighting in the parking lot because she is concerned about bright lights disturbing her tenants. Mr. Mancuso affirmed that there will be no lighting.

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Cox, and on roll call, was approved 4-0.

RESULT: Public hearing closed at 6:25 pm.

Mr. McCarthy asked if the proposed entrance on Goade Pk. would be the only one, and Mr. Mancuso said it would. Ms. Moma noted that there is already a curb cut in place on Ellicott St., but Mr. Mancuso indicated that the curb cut does not belong to his property.

Mr. McCarthy said the proposal is acceptable to him as long as there is landscaping along the Ellicott side. He added that he thinks the fence that is already in place is sufficient, without the addition of a new one.

Ms. Moma expressed concern regarding the demolition of a structure in the downtown initiative area without replacing it with a similar structure. Any time such a situation occurs, a gap is created in the urban framework. She asked if any other options were available.

Mr. Mancuso responded that there was nothing else he could do with the property. He said that it should be noted that this is a residence in an otherwise commercial environment. While there is hope that one day the block will be redeveloped, at the moment, his proposal is the best that can be done to improve the neighborhood.

Mr. McCarthy said that while he would not consider more parking lots on Main St., he believes that Mr. Mancuso's project will make the neighborhood safer.

3. Action by the Board

Mr. McCarthy noted that the board will address both variance at the same time. He went through the list of supporting criteria for the variance:

- Undesirable change in neighborhood character: no, a possible improvement
- Alternative cure sought: not a feasible one
- Substantiality: possibly
- Adverse effect or impact on neighborhood/community: no
- Self-created: no

MOTION: Mr. McCarthy moved to approve both variances with the stipulation that landscaping is added as the PDC recommended, with a 60-day time limit to obtain the permit. The motion was seconded by Mr. Harris, and on roll call, was approved 4-0.

RESULT: Approval of Area Variance.

VII. New Business: none

VIII. Setting of Next Meeting: November 15, 2018

IX. Adjournment

Mr. McCarthy moved to adjourn the meeting at 6:45 pm; Ms. Moma seconded. All voted in favor.



Meg Chilano

Bureau of Inspection Secretary