

ZONING BOARD OF APPEALS

Minutes

Thursday, February 26, 2015

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

Members present: *William Hayes, Sandra Licata, Paul McCarthy*

Others present: Kurt Calman, Joseph Hanss, Meg Chilano - Recording Secretary, Doug Randall - Code Enforcement Officer

I. Roll Call

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

II. Call to Order

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

III. Pledge of Allegiance

IV. Approval of Minutes from January 15, 2015 Meeting

Motion by: *Sandra Licata*

"I make a motion to accept the minutes as written."

Seconded by: *Paul McCarthy*

Votes in favor: 3 (William Hayes, Sandra Licata, Paul McCarthy)

Votes opposed: 0

Votes abstained: 0

Result: Approval of January 15, 2015 minutes.

V. Zoning Board of Appeals statement

Mr. Hayes read a statement regarding the role of the Zoning Board of Appeals and the procedures it follows.

VI. Variance Requests

- A. Construction of a 9,850 sq.' one story addition to the west side of an existing hospital building. A portion of the proposed construction will be located within the front yard clear space area along the west property line at the Summit Street Extension. The addition space will be utilized for a specialized medical treatment center for non-sleeping, non-24 hour care patients

Address: *127 North Street*
Applicant: Joseph Hanss (Clark Patterson Lee), representative of
the owner

Actions: 1. Review of application
2. Public hearing
3. Discussion and action by the board

1. Review of Application

Acting Vice Chairperson Sandra Licata summarized the proposal for the board. Mr. Hanss was available to speak about the project. He stated that the new addition will consist of a cancer center which will include an infusion suite. He said that a linear accelerator will be installed where the setback is located. According to Mr. Hanss, the placement of the linear accelerator was guided by the proximity of the property line. Mr. Hanss had brought with him diagrams, which the board perused while he explained the logistics of the project location and described the various components of the treatment center, such as the waiting area, the infusion suite, medical oncology, and radiation oncology. He explained about the thickness of the concrete around the section consisting of the vault, which is used for protection from the radiation emitted by the linear accelerator. Mr. Hanss showed where the entrance would be located and indicated that it would have an overhang designed to protect wheel chair patients from the rain when they are dropped off.

Mr. Hayes asked how they intended to compensate for the loss of parking. Mr. Hanss responded that the spaces that will be lost by new construction will be compensated for in another area. According to Mr. Hanss, they calculated that 24 parking spaces would be needed for the cancer center and that those spaces will be marked specifically for patients being treated there. Mr. Calman, representative from United Memorial Medical Center, added that there is a possibility that since cancer patients have recurring appointments, their cars could be tagged. Mr. Hanss explained that employees are shuttled to the hospital from the parking area on Bank Street. Mr. Hayes asked how the parking would be policed, and Mr. Calman answered that enforcement of parking in that area would be incorporated into hospital operations.

2. Public Hearing

Mr. Hayes opened the public hearing at 6:16 pm by reading an email from Charles Juliano, 2 Chandler Avenue. (See attached.) One of the concerns Mr. Juliano expressed was that an expansion to the hospital would increase parking on Chandler Avenue. According to Mr.

Juliano, sometimes semis double park, reducing the street to a single lane of traffic. Mr. Hayes noted that he had asked about how much parking would be available and how it would be policed for that reason. Mr. Juliano was also concerned about where construction materials would be stored. He said that the last time the hospital went through an expansion, construction trailers were parked in front of his property for two years. He asked that the hospital store materials on the west side.

Mr. Hanss addressed storage concerns by stating that they had brought a construction manager into the project at an early point. According to Mr. Hanss, they informed the manager that they did not want any subcontractors parking on the hospital campus, therefore, space at the Jerome Center has been designated for a contractor parking area. The plan also includes using the building that the hospital owns across the street for storage, with the spaces around it reserved for parking trailers. He said that there will be a fence surrounding the area with a gate so that there would only be one place for deliveries to come onto the site.

Mr. Hayes asked if the neighbors are complaining because hospital employees are currently parking on the street. Mr. Calman replied that the hospital is in a difficult position because they cannot legally prevent employees from parking on the street. Chandler Avenue is considered city level parking.

There was no one present who wished to speak and no other correspondence or calls. Mr. Hayes closed the public hearing at 6:26 pm.

3. Discussion and Action by the Board

Mr. Hayes 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 by: *Sandra Licata*

“I make a motion that we approve the setback for this project, and to take into consideration where the trailers will be and where the deliveries will be made, and that the construction workers park at the Jerome Center, and the hospital makes considerations for the parking across the street and polices it, with 6 months to get the permit.”

Seconded by: *Paul McCarthy*

Votes in favor: 3 (William Hayes, Sandra Licata, Paul McCarthy)

Votes opposed: 0

Votes abstained: 0

Result: Approval of Area Variance

VII. Setting of Next Meeting: March 26, 2015

VIII. Adjournment

Mr. Hayes made a motion to adjourn the meeting at 6:37 pm. Dr. Licata seconded. All voted in favor.

Respectfully submitted,



Meg Chilano