

PLANNING & DEVELOPMENT COMMITTEE

MINUTES

Tuesday, May 16, 2023

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

Members present: *David Beatty, Edward Flynn, Duane Preston*

Members absent: Rebecca Cohen, Derek Geib, John Ognibene

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 Duane Preston declared a quorum.

II. Call to order

Mr. Preston called the meeting to order at 6:00 p.m.

III. Previous Meeting Minutes

There were no corrections to the minutes. Mr. Preston assumed the motion and the minutes were approved as written by unanimous consent.

RESULT: Approval of March 21, 2023 meeting minutes.

IV. Proposals

- A. Demolition permit that involves the complete removal of this building that is located within the Central Commercial District / BID

Address: *327 Ellicott Street*

Applicant: Brad Trzeciecki (owner)

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

1. Review Application

Mr. Preston read the summary of the application.

Mr. Trzeciecki explained that they had removed the back part of the building and filled the basement in with stone in an effort to become flood compliant. The finished floor needed to be raised two feet above flood level, which would create other issues, such as ceiling height, and shoring and bracing problems. The project became cost-prohibitive.

Mr. Trzeczieski believes it would be more economically feasible to demolish the building and create a new structure on the old footprint. He would like to maximize the potential of the new building by putting in more floors and creating a larger amount of commercial space.

2. Discussion and Action by the Board

Mr. Flynn asked what material would be on the ground when the building is torn down if new construction is not started immediately. Mr. Randall noted that according to the terms of the demolition permit, if building is not started within six months of demolition, the site must be covered with topsoil and seeded.

MOTION: Mr. Flynn moved to approve the proposal; the motion was seconded by Mr. Beatty, and on roll call, was approved 3-0.

RESULT: Application approved.

B. Install an exterior access door in the northeast elevation of this property located within the BID

Address: 31 Batavia City Centre

Applicant: Erika Siverling (tenant)

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

1. Review Application and Discussion

[Mr. Preston initially passed over this proposal, to give the applicant a chance to put in an appearance. After the other proposals were reviewed, the board came back to this one.]

Mr. Preston read the summary of the proposal.

2. Discussion and Action by the Board

Mr. Randall explained that Ms. Siverling wishes to expand her business into the vacant neighboring property and would like to install an access door.

MOTION: Mr. Beatty moved to approve the proposal; the motion was seconded by Mr. Flynn, and on roll call, was approved 3-0.

RESULT: Application approved.

C. Recommendation to the ZBA for an area variance to widen an existing 12'-wide asphalt driveway by placing 12' of asphalt to the south side of the existing driveway

Address: 114 Jackson Street

Applicant: Brian White (owner)

- Actions:**
1. Review application and discussion
 2. Discussion and recommendation to the ZBA

1. Review Application

Mr. Preston read the summary of the proposal.

Mr. White said that he would like to square up the space in front of his garage and create more room for his tenants and their guests so they are not parking in the street.

2. Discussion and Recommendation to the ZBA

Mr. Flynn asked about the surface of the new space, and Mr. White replied that he would pave it.

MOTION: Mr. Beatty moved to recommend approval of the proposal as presented; the motion was seconded by Mr. Flynn and on roll call, was approved 3-0.

RESULT: Recommendation to the ZBA for approval of the application.

- D. Exterior changes to a building that is located within the BID. The applicant is proposing to install an entrance door with a concrete accessible ramp. The proposed access ramp is located within the ROW and will require City management approval prior to placement. The PDC will be addressing the downtown design guidelines only. It is not within the PDC's powers to approve the location of the ramp on City property

Address: 45 Batavia City Centre / aka 6 Alva Place

Applicant: Ken Mistler (owner)

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

1. Review Application and Discussion

Mr. Preston read the summary of the proposal.

Mr. Mistler told the board that there is a 7" drop from the outside of the door to the ground. He would like to make the entrance level with the door and allow for handicap accessibility. Mr. Mistler pointed out that this part of the project is only Phase I.

Mr. Schmieder, engineer for the project, noted that the occupancy limit will increase because of the future development. Mr. Randall explained that based on the increased occupancy of the new development, the number of doors required will increase. This is the primary reason for the current adaptation of the entrance.

2. Discussion and Action by the Board

Mr. Beatty observed that for a door that serves as the main entrance, it is plain. Mr. Flynn added that it looks more like a utility door than the main entrance to a business. Both agreed that a main door for a business should have a window, and this door is solid.

Mr. Mistler responded that now he is just asking for the access ramp and door because work on the interior cannot be accomplished without those two things. He will appear in front of the board again when he is ready to begin work on the façade.

MOTION: Mr. Flynn moved to approve the ramp and the door, with the understanding that the board has to review the final ramp and door design when Mr. Mistler returns with the

proposal for the façade. The motion was seconded by Mr. Beatty, and on roll call, was approved 3-0.

RESULT: Application approved.

- E. Recommendation to the ZBA for an area variance to widen and existing 23'-wide concrete driveway by placing 30' of additional concrete to the west side of the existing driveway

Address: 249 Bank Street

Applicant: Brian Kotarski (contractor)

Actions: 1. Review application
2. Discussion and recommendation to the ZBA

1. Review Application and Discussion

Mr. Preston read the summary of the proposal.

Mr. Kotarski told the board that the owner has been ticketed for parking on the lawn and would like to create a pad to use for parking. This pad would run parallel to the sidewalk with 10.9" of space between the pad and the sidewalk. It was eventually revealed that the vehicle she wishes to park on the pad is a travel trailer.

2. Discussion and Recommendation to the ZBA

Mr. Preston responded that when rear yard space is available, the board generally does not approve parking in the front yard.

Mr. Flynn pointed out that the neighbors will be affected by having a camper take up such a large amount of space that close to the sidewalk.

The board suggested that Mr. Kotarski should consider how to access the rear yard and create a parking space there instead of in the front.

MOTION: Mr. Flynn moved to recommend disapproval of the proposal as submitted; the motion was seconded by Mr. Beatty, and on roll call, was approved 3-0.

RESULT: Recommendation to the ZBA to deny the application.

- F. Sketch Plan Review: demolition of the existing building and construction of a new two-bay "Take 5 Oil Change" facility

Address: 325A West Main Street

Applicant: Mike Haigh (Quattro Development)

Actions: 1. Review application
2. Discussion and recommendations

1. Review Application

Mr. Preston read the summary of the proposal.

2. Discussion and Recommendations

Mr. Peter Paveck was present to speak on behalf of the project. Following discussion the board offered the following recommendation:

- Consider adding a third bay
- Look for ways to add green space and landscaping
- Design a detailed site plan

[At this point, the board returned to proposal #2.]

V. Setting of Next Meeting: June 20, 2023

VI. Adjournment

Mr. Preston moved to adjourn the meeting at 6:52 p.m., and Mr. Beatty seconded the motion. All voted in favor.



Meg Chilano
Recording Secretary