GENESEE COUNTY PLANNING BOARD REFERRALS
NOTICE OF FINAL ACTION

GCDP Referral ID	**C-02-BAT-1-20**
Review Date	**1/16/2020**
Municipality	**BATAVIA, C.**
Board Name	**ZONING BOARD OF APPEALS**
Applicant's Name	**John Houseknecht**
Referral Type	
Variance(s)	**Area Variance(s)**
Description:	**Area Variance to subdivide and reconfigure two parcels.** **Lot Frontage** **Minimum required: 40 ft.** **Proposed: 21.5 ft.**
Location	**311-313 W. Main St. (NYS Rts. 5 & 63), Batavia**
Zoning District	**General Commercial (C-2) District**

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

The proposed variance should pose no significant county-wide or inter-community impact. The applicant should explore the possibility of combining the parcels to eliminate the need for the variance.

Felice A. Altman

Director

January 16, 2020

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.

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 # C-02-BAT-1-20

* GENESEE COUNTY * PLANNING BOARD REFERRAL

RECEIVED
Genesee County
Dept. of Planning
1/2/2019

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 - 6345 Ext.

2. APPLICANT INFORMATION

Name John Houseknecht
Address 311-313 West Main St.
City, State, Zip Batavia, NY 14020
Phone (585) 739 - 4394 Ext. Email jhousekn@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 311-313 West Main St. and 309 West Main St.
B. Nearest intersecting road Vernon
C. Tax Map Parcel Number 84.006-3-38 and 84.039-1-1
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 I

C. Please describe the nature of this request Approval to subdivide and reconfigure two parcels. An area variance is required for 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
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: 12/23/19

Re: 311-313 West Main St. and 309 West Main St.
Tax Parcel No. 84.006-3-38 and 84.039-1-1

Zoning Use District: C-2

The applicant, John Houseknecht (owner), has filed a minor subdivision application to reconfigure these two parcels and create two new parcels with different boundary configurations. One parcel will contain an existing commercial building with parking exceeding the minimum requirements of the BMC. The other parcel will remain a parking lot for the existing neighboring occupancies.

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.

City Planning and Development Committee- Pursuant to BMC Sec. 190-2 and 13-3 The Planning and Development Committee is authorized to review and approve or disapprove plats. BMC 162-40 B; The PDC shall act on the pre-application sketch and if approved the Chairman will sign and date the reproducible plat.

BMC 190-29 A. and Schedule I Minimum requirements of lot area and frontage for C-2 uses:

	Required	Proposed (84.006-3-38)	Proposed (84.039-1-1)
Lot area (min.)	5,000 sq.'	32,727.5 sq.'	> 42,377 sq.'
Frontage (min.)	40'	123.50'	21.5' (dif. 18.5')
Bldg. Coverage (max.)	40%	< 40%	None
Height (max.)	40'	< 40'	None
Front yard (min.)	20'	29'	N/A
Side yard (min.)	12'	21.19'	N/A
Side yard (total)	25'	58.26'	N/A
Rear yard (min.)	35'	110.24'	N/A

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**

	Required	Proposed	Difference
Minimum Frontage	**40'**	**21.5'**	**18.5'**

The PDC will be the lead agency to conduct SEQR.

Application No.: _____
Date: _____

MINOR SUBDIVISION APPLICATION

CITY OF BATAVIA
10 West Main Street, Batavia, NY 14020
Phone: (716) 343-8180 • Fax (716) 343-9221

ADDRESS OF SUBDIVISION 311-313 W. Main St. (84.006-3-38) and 309 W. Main St. (84.039-1-1)

OWNER: Crickler Management
John Housekneckt jhousekn@gmail
Name E-mail Address
311-313 W. Main St. 585-739-4394 NA
Street Address Phone Fax
Batavia NY 14020
City, State, Zip Code

SIGNATURE John Housekneckt

PAID
JAN - 3 2020
CITY OF BATAVIA
CLERK-TREASURER

FEES: ___ $50 Residential Subdivision X $100 Non-Residential Subdivision

Received
DEC 31 2019
City of Batavia
Inspection Bureau

CITY OF BATAVIA

APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____

Hearing Date/Time: _____

APPLICANT: Cricklir Management jhouseknegmail.com
Name E-Mail Address

311-313 West Main Street 585-739-4394
Street Address Phone Fax

Batavia NY 14020
City State Zip

STATUS: X Owner ___ Agent for Owner ___ Contractor

OWNER: John HouseKrucht jhouseknegmail.com
Name E-Mail Address

Street Address Phone Fax

City State Zip

LOCATION OF PROPERTY: 311-313 West Main Strut, Batavia NY 14020

DETAILED DESCRIPTION OF REQUEST: Area variance for driveway width of 21.5' (need 40.0')

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.

John Housekrucht — 12-27-2019
Applicant's Signature **Date**

John Housekrucht — 12-27-2019
Owner's Signature **Date**

To be Filled out by Zoning Officer

TAX PARCEL: 84.006-3-38 / 84.039-1-1 **ZONING DISTRICT:** C-2 **FLOOD PLAIN:** C

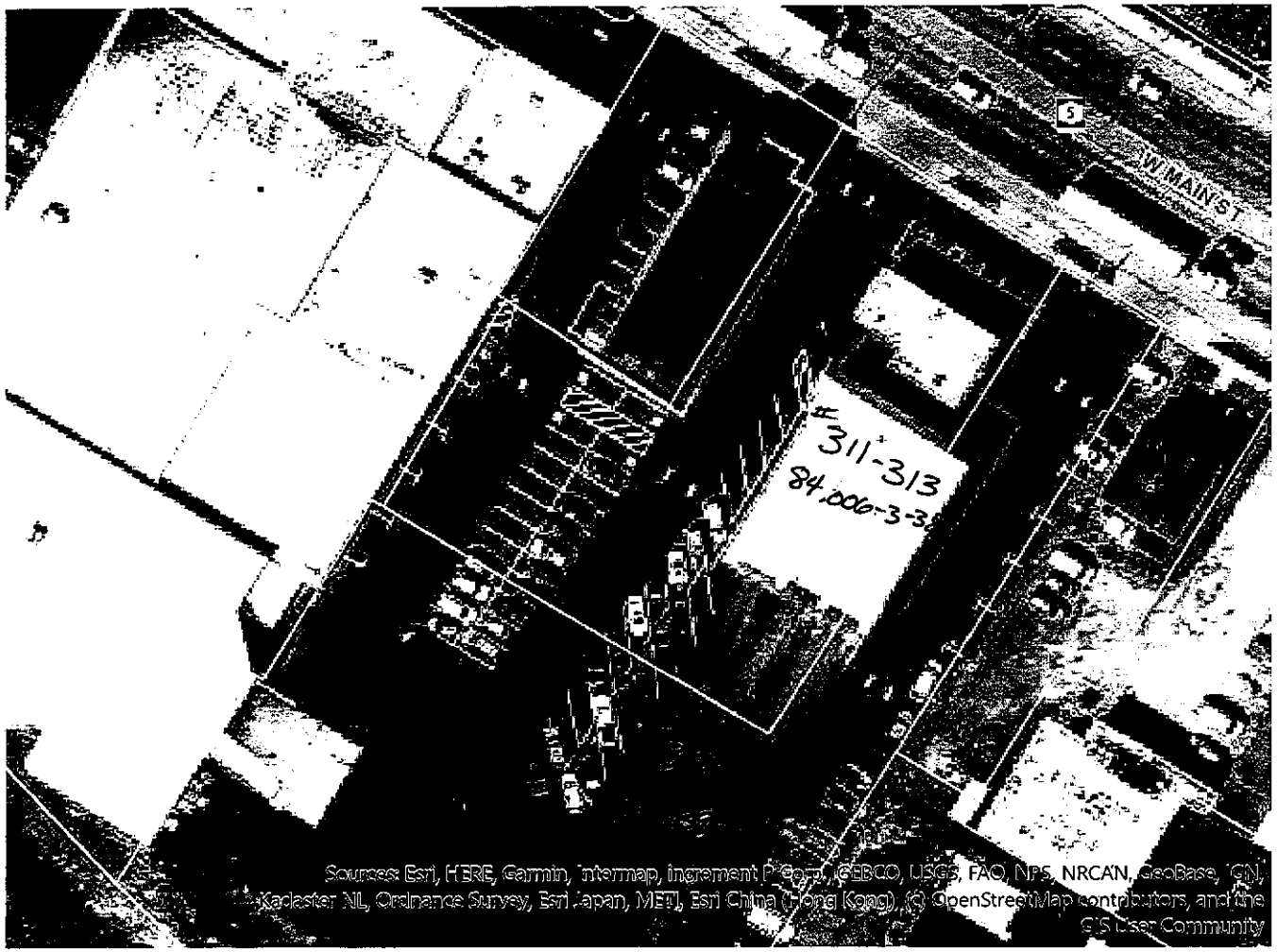
TYPE OF APPEAL:
- ✓ Area Variance
- ___ Use Variance
- ___ Interpretation
- ___ Decision of Planning Committee

FEE:
- ___ $50 (One or Two Family Use)
- ✓ $100 (All other Uses)

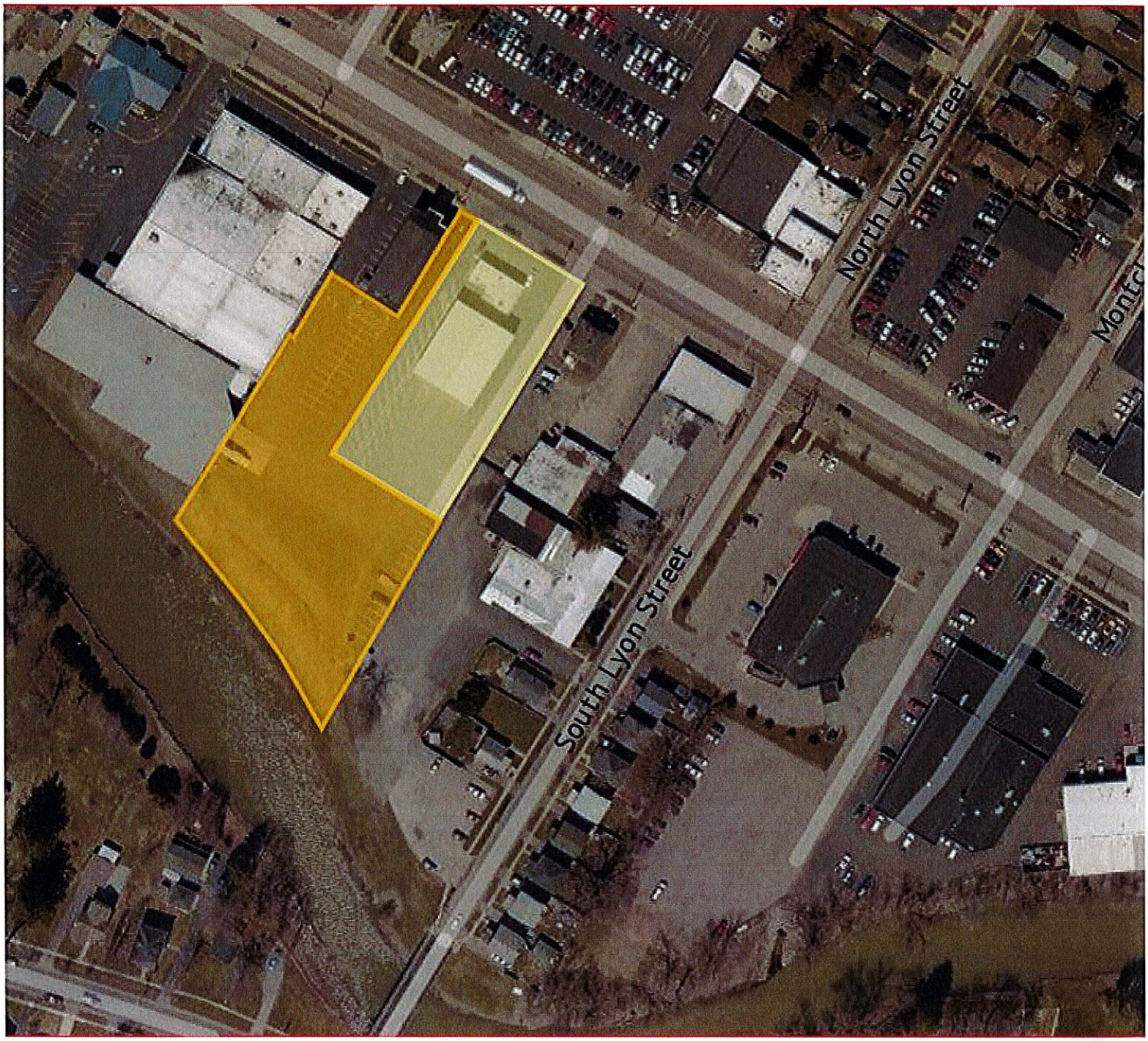
PAID
JAN - 3 2020
CITY OF BATAVIA
CLERK-TREASURER

Provision(s) of the Zoning Ordinance Appealed: BMC 190-29 A and Schedule I

Min. Frontage required is 40', 21.5' is proposed.


W MAIN ST
311-313
84.006-3-3
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), © OpenStreetMap contributors, and the GIS User Community

84.005-2-33.1
84.005-2-31
84.009-3-1
84.009-3-2
84.009-3-3
84.005-2-27
84.005-2-28
84.005-2-29
84.005-2-30
84.006-3-42
84.006-3-40
84.039-1-1
84.006-3-38
84.006-3-37
84.006-3-43
84.039-1-6
84.006-3-44
84.039-1-2
84.006-3-36
84.039-1-5
84.039-1-4
84.006-3-32.11


North Lyon Street
South Lyon Street

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. property is located in a commercial property area.

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 driveway is in the only location feasible.

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

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. Correct.

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. Correct.

Ethan Housepian

Applicant's Signature

12-27-2019

Date

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information

Name of Action or Project: Crickler Management Group Land Separation

Project Location (describe, and attach a location map): 311-313 West Main Strut, Batavia NY 14020

Brief Description of Proposed Action: Area variance for driveway width of 21.5' (req 40.0')

Name of Applicant or Sponsor:	Telephone: 585-739-4394
John Houseknecht	E-Mail: jhouseknegmail.com

Address: 311-315 W. Main Street

City/PO:	State:	Zip Code:
Batavia	NY	14020

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	X	
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:	X	

3.a. Total acreage of the site of the proposed action? .751 acres
b. Total acreage to be physically disturbed? 0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.864 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☐ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?		X	
b. Consistent with the adopted comprehensive plan?		X	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?			X
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		X	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		X	
b. Are public transportation service(s) available at or near the site of the proposed action?			X
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			X
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____			X
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____			X
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____			X
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		X	
b. Is the proposed action located in an archeological sensitive area?		X	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		X	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		X	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?		X	
16. Is the project site located in the 100 year flood plain?			X
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☒ NO ☐ YES			X
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: runoff to storm drains ☐ NO ☒ YES			X

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	X	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	X	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	X	

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: John Houseknecht Date: 12-27-2019

Signature: John Houseknecht

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

WEST MAIN STREET – ROUTE 5 (99.0' R.O.W.)

STREET

75.00'

N 57°28'00" W 21.50'

Blacktop Drive

R/O DISCOVERY CHAPEL, INC.
INST. #DE2016-359
Tax Map No. 84.06-3-37

119.98'

Stone Church

120.00'

S 33°34'52" W

Blacktop Drive

N 57°28'00" W 72.28'

Tax Map No. 84.06-3-38

N 33°35'00" E 265.00'

S 33°35'00" W 174.45'

S 33°35'00" W 86.99'

Blacktop Drive

S 57°28'00" E 123.50'

101.00'

44.00'

29.00'

Blacktop Drive

29.09'

18.66'

50.3

22.8

1 Story Concrete Block Building

30.1

74.48'

18.95'

19.4

7.3

31.0

53.98'

Blacktop Drive

21.19'

65.2

37.07'

PARALLEL

80.2

Metal Building

80.2

270.00'

S 33°35'00" W 265.00'

22.27'

65.2

36.00'

171.30'

110.24'

N 57°28'00" W 4.70'

PARCEL SURVEYED
CONTAINING
0.751 +/- ACRE

N 57°28'00" W 123.50'

Parallel To West Main Street

End Wd.
1.3' E.

6' Wood Fence

End Ch. Lk.
1.5' E.

6' Chain Link Fence

Blacktop Drive

Blacktop Drive

Blacktop Drive

Blacktop Drive

Blacktop Drive

N 33°35'00" E 186.90'

S 42°43'26" E 181.12'

North Line Permanent Easement
Liber 313, Page 272, Parcel No. 113

S 28°16'08" E 49.89'

North Line Permanent Easement
Liber 306, Page 146, Parcel No. 111

R/O THE CRICKLER MANAGEMENT GROUP
LIBER 650, PAGE 239
Tax Map No. 84.39-1-1
1.113 +/- ACRES

R/O BRS F
LIBER 815
Tax Map No

ER MANAGEMENT GROUP
826, PAGE 72
No. 84.06-3-40

R/O BGW PR
LIBER 821
Tax Map No

TONAWANDA CREEK

O. 88-25 BY DAVID S. LAMENDOLA,
ED NOVEMBER 4, 2002
O. B-3797 BY McINTOSH &
LAST DATED NOVEMBER 21, 1979

C-02-BAT-1-20

04/23/2018