GENESEE COUNTY PLANNING BOARD
ZONING REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID	**T-05-BAT-4-15**
Review Date	**4/9/2015**
Municipality	**BATAVIA, T.**
Board Name	**PLANNING BOARD/ZBA**
Applicant's Name	**Biskon Corp/ Eric Biscaro**
Referral Type	**Special Use Permit**
Variance(s)	**Area Variance(s)**
Description:	**Special Use Permit and Area Variances to construct two new residential buildings for an existing multi-family residential use.** **Front Yard Setback** **Minimum required: 50 ft.** **Existing residential building: 65.47 ft.** **Proposed: 39 ft.** **Rear Yard Setback** **Minimum required: 50 ft.** **Existing home: 47.19 ft.** **Proposed: 38.5 ft.**
Location	**5220 Clinton Street Rd. (NYS Rt. 33), Batavia**
Zoning District	**Commercial (C) District**

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

The proposed residential buildings should pose no significant county-wide or inter-community impact. The variances are only required for the deck portions of the proposed residential buildings.

Felix A. Ortiz

Director

April 9, 2015

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 # T-05-BAT-4-15

* GENESEE COUNTY * PLANNING BOARD REFERRAL

Required According to:
GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N
(Please answer ALL questions as fully as possible)

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GENESEE COUNTY DEPARTMENT OF PLANNING

1. REFERRING BOARD(S) INFORMATION

Board(s) Town of Batavia Planning& Zoning Boar
Address 3833 West Main St. Rd.
City, State, Zip Batavia, NY 14020
Phone (585) 343 - 1729 Ext. 208

2. APPLICANT INFORMATION

Name Biskon Corp/ Eric Biscaro
Address 653 Ellicott St.
City, State, Zip Batavia, NY 14020
Phone (585) 356 - 4423 Ext. Email

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 5220 Clinton St. Rd.
B. Nearest intersecting road Seven Springs Rd.
C. Tax Map Parcel Number 9.-1-22
D. Total area of the property 1.4 A Area of property to be disturbed .5
E. Present zoning district(s) Com

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

235-27-B 235 235 Attachment 1

C. Please describe the nature of this request Site plan review /special use permit for apartments/ area variance

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:

7. CONTACT INFORMATION of the person representing the community in filling out this form (required information)

Name Bruce Gerould Title CEO Phone (585) 343 - 1729 Ext. 208
Address, City, State, Zip 3833 West Main St. Rd Email bgerould@townofbatavia.com

Building and Zoning Application Permit No._____

Town of Batavia 3833 West Main Rd. Batavia NY 14020 PH. 585-343-1729

Date 3 / 31 / 15 Zone C Flood Zone no Wellhead Protection ____ Corner Lot no

New Construction ☒ Fence ☐ Pond ☐ Sign ☐ Alteration(s) ☐ Addition ☐ Demolition ☐

Accessory Bldg. ☐ Mobile Home ☐ Fill Permit ☐ Home Occupation ☐ Land Separation ☐ Site Plan Approval ☐

Special Use Permit ☐ Temporary Use ☐ Subdivision ☐ Zoning Variance Request ☒ Other ☐ Specify:_____

Tax Map No. 9.-1-22

Owners Name Eric Biscaro - Biskon Corp. Phone No. (585) 356-4423

Address ~~5220 Clinton St Rd~~ 453 Ellicott ST Project Road Width 320 ft

Applicants Name Eric Biscaro Project Address 5220 Clinton ST Rd

E Mail Address Ericbiscaro@Gmail Phone No (___) _____

Description of Project: 1 - 2 story 5 unit apartment Building & 1-2 story 2 unit apartment Building

Existing Use Land for 1-4 unit apartment Proposed Use 61 unit apartment Development.

Estimated Cost Building 200,000 Total Plumbing_____ Mechanical_____ Miscellaneous_____

SEQR CLASSIFICATION Type 1 ☐ Type 2 ☐ Unlisted ☐

Review completed by Planning Board ☐_____ Zoning Board of Appeals ☐_____

Permit Fee $_____ Application Date ___/___/___ Permit Expires On ___/___/___

Issuing Officer _____ **Date**___/___/___

IN SIGNING THIS DOCUMENT I HEARBY GIVE THE RIGHT OF AN ON SITE INSPECTION TO THE TOWN OF BATAVIA CODE ENFORCEMENT OFFICIAL OR THEIR DESIGNE. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PREFORMANCE OF CONSTRUCTION.

I, _____, as Owner or Authorized Agent hereby declare that the statements and information on the foregoing application are true and accurate, to the best of my knowledge.

_____ 3-31-15

Signature of Owner or Authorized Agent Date

GUIDELINES AND CRITERIA TO SUPPORT ZONING APPEAL

AREA VARIANCE

In order to be entitled to an Area Variance, an Applicant to the Town of Batavia must show by documentation in the record that the benefit to the Applicant from the proposed variance will not outweigh the detriment to the health, safety, and welfare of the community and the neighborhood, if the variance is granted. (See Town Law §267-b(3)).

In making this determination the Zoning Board of Appeals shall consider the following factors, and the Applicant must respond to these questions with facts and circumstances and not merely repeat all or part of the questions.

1. Whether or not an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance.
   The Variances are for additonal decks, just like the decks that have been installed on the existing building.

2. Whether or not the benefit sought by the Applicant can be achieved by some method, feasible for the applicant to pursue, other than an Area Variance.
   Based on the size of the building and the amount of parking reqired for the tennants. The decks and patios would be constructed within the setbacks.

3. Whether or not the requested Area Variance is substantial.
   The location is ideal for viewing the golf course and patios and decks are essential for each apartments.

4. Whether or not the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The decks and patios that are going to be constructed are the same style and construction as the other decks and patios on the existing building. I do not feel the proposed variances will have not adverse effect or impact on the property.

5. Whether or not the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the Area Variance.

The design of the new buidling can be reconfigured, but with the needed parking. I feel the layout has been well designed and meets the needs with have for parking, grass area, patios and/or decks for each apartment.

Applicant Signature

Date 4/1/2015

SITE PLAN

SCALE; 1" = 20'-0"

GRAPHIC SCALE

0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

TOWN OF BATAVIA - SITE DATA

ADDRESS:	5220 CLINTON STREET ROAD					
ZONING DISTRICT:	COMMERCIAL					
TAX NO.	9. -1 - 22					
	MINIMUM SETBACKS					
	FRONT	REAR	SIDES	MAX. HEIGHT	MAX. LOT % COVERAGE	GREEN SPACE % COVERAGE
REQUIRED	50'	50'	30'	35'	85%	15%
PRE EXISTING	65.47'	47.19'	60.45'	23.5'	23%	70%
PROPOSED BUILDING #2 & #3	39.0'	38.5'	30.0'	26.5'	67.3%	+ 23%
VARIANCE REQ'D	YES	YES	NO	NO	NO	NO

PARKING INFORMATION:
REQUIRED PARKING: 2 PARKING SPACES PER UNIT (9' x 18' SPACE)
2 HANDICAP PARKING SPACES (10' x 20' SPACE)

BUILDING #1 - 4 UNITS - 8 SPACES REQ'D
BUILDING #2 - 2 UNITS - 4 SPACES REQ'D
BUILDING #3 - 5 UNITS - 10 SPACES REQ'D

TOTAL = 11 UNITS/APARTMENTS = 22 SPACES REQ'D
PROPOSED = 25 PARKING SPACES
2 SINGLE CAR GARAGES (12' x22')
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21 STANDARD PARKING SPACES (9' X 18')

Project Name & Address:

Proposed Apartment Units
5220 Clinton Street Road
Batavia, New York 14020
Town of Batavia

Existing Building #1
2,998 sq. ft.
Proposed Building #2
1,260 sq. ft.
Proposed Building #3
3,872 sq. ft.

Consultant/Designer:

Design & Drafting by Gina, LLC

Gina Pestillo
Architectural Designer

8468 Seven Springs Road
Batavia, New York 14020
(585) 469-1113
gpestillo@gmail.com

Architect:

ANDREW H. HINTENACH III, AIA

ARCHITECT

92 Pulteney Street
Geneva, New York 14456

(585) 748-5522
sailwindsbb@verizon.net

Seal:

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Revisions:		Date:
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3		

PROPOSED SITE PLAN
SITE PLAN DATA

Drawing Name:

Date: April 1, 2015

Drawn By: GMP

Project #: 2015.12

Scale: AS SHOWN

Sheet #: C-1

FRONT ELEVATION - BUILDING 2 (2 APARTMENTS)
SCALE: 1/4" = 1'-0"

NORTH & SOUTH ELEVATION - BUILDING 3 (5 APARTMENTS)
SCALE: 3/16" = 1'-0"

WEST SIDE ELEVATION - BUILDING 3 (5 APARTMENTS)
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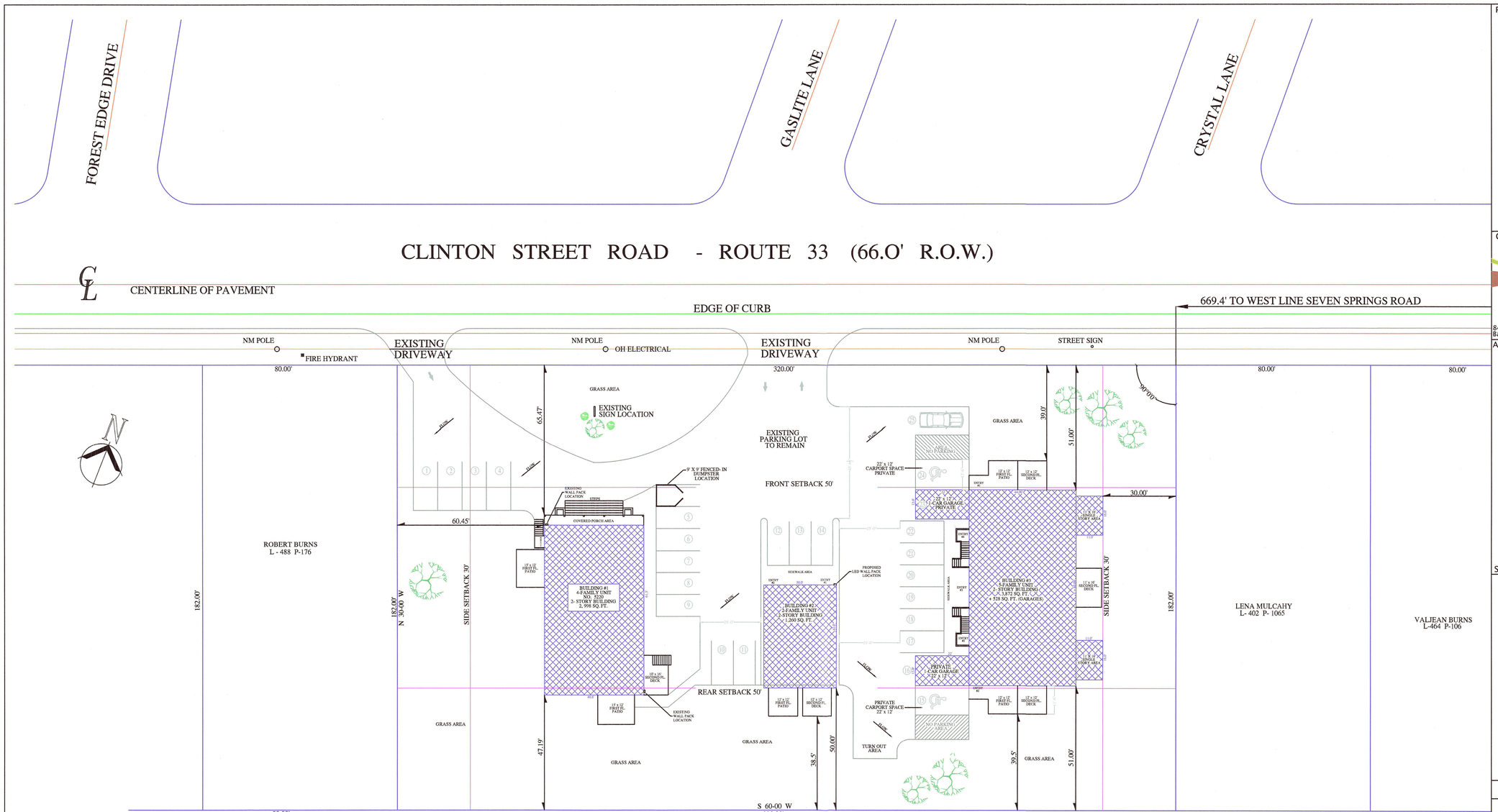
PROPOSED BUILDING
#2 & #3
ELEVATIONS

Drawing Name:

Date:	April 1, 2015
Drawn By:	GMP
Project #:	2015.12
Scale:	AS SHOWN
Sheet #:	C-2



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SCALE: 1/4" = 1'-0"

NORTH & SOUTH ELEVATION - BUILDING 3 (5 APARTMENTS)
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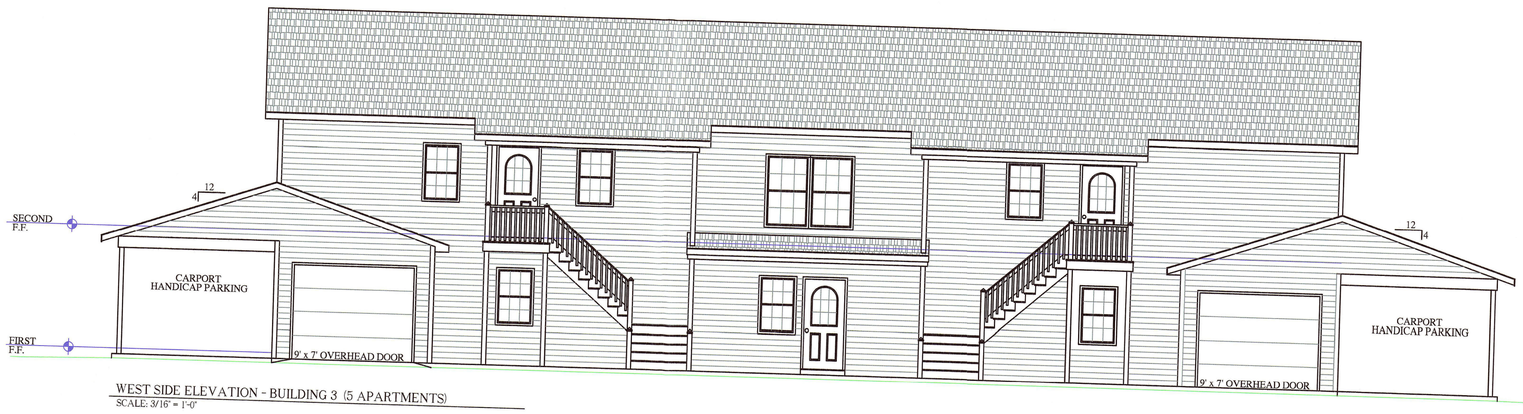

WEST SIDE ELEVATION - BUILDING 3 (5 APARTMENTS)
SCALE: 3/16" = 1'-0"

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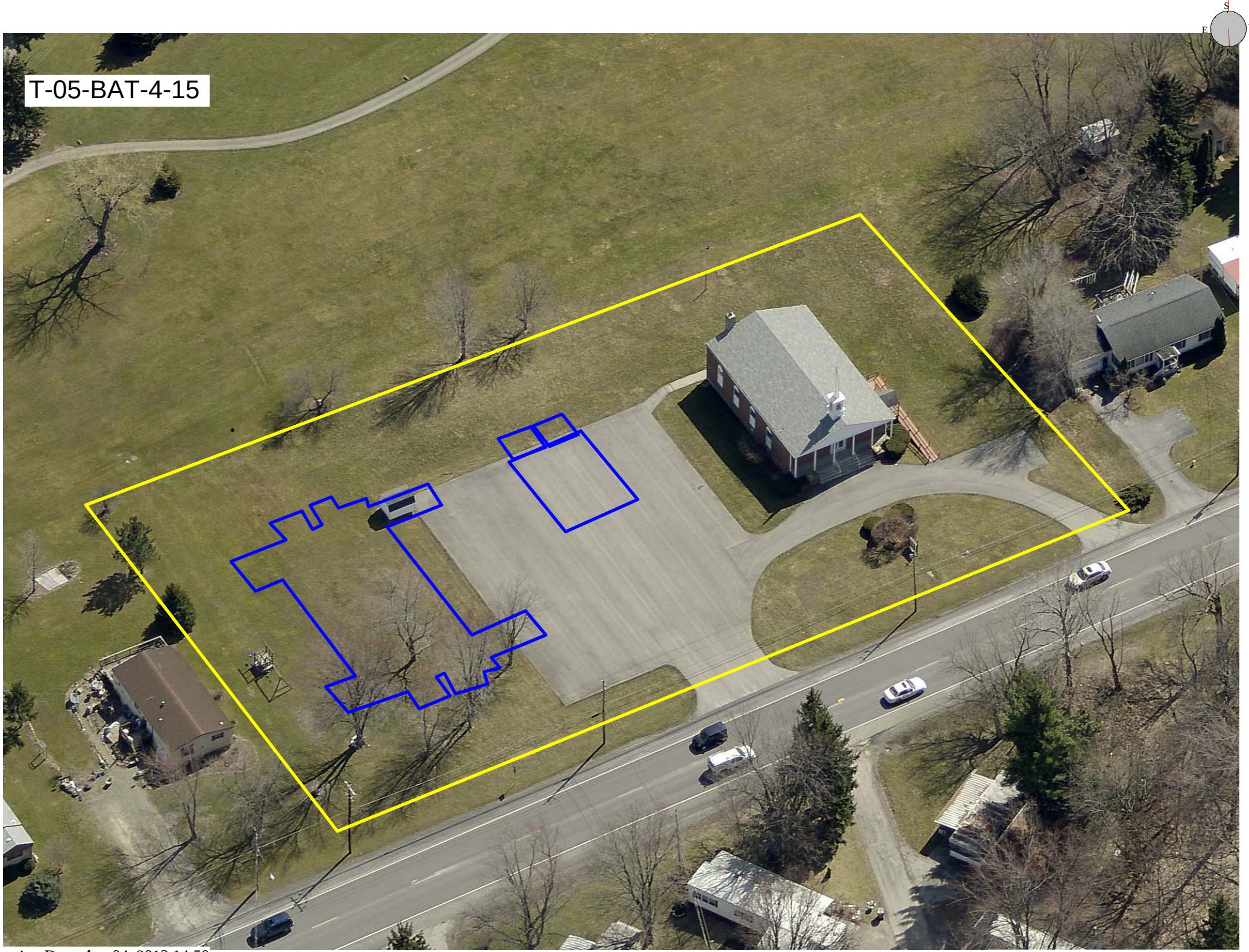

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Modification Date: Apr 07, 2013 20:46

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