

| <i>NUMBER</i> | <i>LOCATION</i> | <i>APPLICANT'S REQUEST</i> | <i>STAFF RECOMMENDATION</i> |
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| V-01-ALEX-5-15 | 3543 Railroad Ave., Alexander | Site Plan Review to construct a 3,150 sq. ft. storage barn for a residential use. | <u>APPROVAL WITH MODIFICATION(S)</u> Given that the proposed location is likely within a FEMA Flood Hazard Area, the required modification is that the barn comply with all applicable floodplain construction requirements. With this required modification, the proposed barn should pose no significant county-wide or inter-community impact. |
| Manufacturing & Industrial (M-I) District | | | |
| C-13-BAT-5-15 | 37 Center St., Batavia | Sign Permit to place a 45 sq. ft. (15 x 3 ft.) unlit wall sign for a commercial use (T-Shirts Etc.). | <u>APPROVAL</u> The proposed sign should pose no significant county-wide or inter-community impact. |
| Central Commercial (C-3) District | | | |

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| C-14-BAT-5-15 | 6 Batavia City Ctr., Batavia | Sign Permit to place a 21 sq. ft. (3 x 7 ft.) unlit wall sign for a religious use (EFFC Church). | <u>APPROVAL</u> The proposed sign should pose no significant county-wide or inter-community impact. |
| | | Central Commercial (C-3) District | |
| C-15-BAT-5-15 | 6 Douglas St., Batavia | Area Variances for an addition and new driveway for a single-family home. Side Yard Setback Minimum required: 8 ft.; Proposed: 6.33 ft. Rear Yard Setback Minimum required: 35 ft.; Proposed: 22.42 ft. Driveway Width Maximum allowed (25% of lot frontage): 17.5 ft. Proposed: 18 ft. (25.7%) | <u>APPROVAL</u> Given that the proposed variances are not significant and are not out of character with the neighborhood, they should pose no significant county-wide or inter-community impact. |
| | | Residential (R-1A) District | |

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| C-16-BAT-5-15 | 59 Main St. (NYS Rt. 5 & 33), Batavia | Sign Permits to place three window signs at an existing restaurant (City Slickers). | <u>APPROVAL</u> The proposed signs should pose no significant county-wide or inter-community impact. |
| | | Central Commercial (C-3) District | |
| C-17-BAT-5-15 | 13 Jackson St., Batavia | Sign Permit Review to replace a wall sign for a new convenience store. | <u>APPROVAL</u> The proposed sign should pose no significant county-wide or inter-community impact. |
| | | Central Commercial (C-3) District | |

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| C-18-BAT-5-15 | 316-320 W. Main St. (NYS Rts. 5 & 63), Batavia | Special Use Permit, Special Sign Permits, Sign Permits and 14 Area Variances for a new drive-in restaurant (Arby's). Area Variances for landscape buffers between commercial and residential properties, front yard parking buffer, building height, driveway width, driveway location, distance to public garage, and number of parking spaces. General Commercial (C-2) District | <u>DISAPPROVAL</u> The large number of variances needed for the project make evident that the proposed drive-through restaurant is not appropriate for the location. In addition, the auto-centric design of the restaurant, vehicle volume, large truck deliveries, and externally lit signage may negatively impact the adjacent traditional residential neighborhood on Vernon Ave. The City's Comprehensive Plan adopted in 1997 recommends: "Maintain the Integrity of the Single Family Neighborhoods ... such as the area north of West Main Street ... [is] attractive and stable ... Continue strict code enforcement and disapproval of inappropriate use variances to maintain the positive character of these neighborhoods" (p. III-8). |
| C-19-BAT-5-15 | All R-2 Residential Districts | Zoning Text Amendments to eliminate boardinghouses, lodging houses, rooming houses, tourist homes and tourist camps or cabins from the Residential (R-2) District. Residential (R-2) District | <u>APPROVAL</u> The proposed Zoning Text Amendments are supported by the City of Batavia's Comprehensive Plan adopted in 1997 (pp. I-4-I-5, III-8-III-9), as well as the City's Community Improvement Plan (pp. 103-104) and should pose no significant county-wide or inter-community impact. |

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| T-06-BAT-5-15 | 8315 Park Rd., Batavia | Site Plan Review and Area Variances to construct a new 80 room hotel. Lot Size - Minimum required: 40,000 sq. ft.; Proposed: 23,435 sq. ft. Lot Frontage - Minimum required: 200 ft.; Proposed: 163.55 ft. Front Yard Setback - Minimum required: 50 ft.; Proposed: 41.7 ft. Rear Yard Setback - Minimum required: 50 ft.; Proposed: 0 ft. Side Yard Setback - Minimum required: 30 ft.; Proposed: 6 & 10 ft. Building Height - Maximum allowed: 35 ft.; Proposed: 56.5 ft. Commercial (C) District | <u>NO ACTION TAKEN</u> No action was taken on this referral due to the inability of the County Planning Board to pass any motion with a majority of the whole number (5 of 9 members) on a specific recommendation. |
| T-07-BAT-5-15 | 4975 W Ag Park Dr., Batavia | Site Plan Review to construct a bio-gas plant at an existing agri-business industrial park. Industrial Park (IP) District | <u>APPROVAL</u> The proposed bio-gas plant should pose no significant county-wide or inter-community impact. |

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| T-08-BAT-5-15 | 5056 E. Main Street Rd. (NYS Rt. 5), Batavia | Special Use Permit for an off-road obstacle course. Agricultural- Residential (A-R) District | <u>DISAPPROVAL</u> The site plan as submitted is not adequate to perform a thorough review of the project; as such the proposed off-road obstacle course venue may pose significant county-wide or inter-community impacts. The applicant is encouraged to submit all relevant documentation per Town of Batavia Zoning Ordinance Section 235-63 (C)(2) and that addresses all Site Plan Review Criteria, Section 208 (C)(3), and Special Use Permit Standards, Section 235-63 (D)(8). The applicant should provide more detailed site plan including the number and size of all parking spaces, traffic circulation including entrances and exits, description of proposed uses including any amplified music, anticipated volume of traffic generated, storm water control and drainage including any NYS DEC required permit, as well as the location of any buildings, portable toilets, and structures. |
| T-07-DAR-5-15 | 1096 Broadway Rd. (NYS Rt. 20), Darien | Area Variance for the construction of a new 704 sq. ft. (22 x 32 ft.) attached garage for a single-family home. Side Yard Setback Minimum required: 50 ft. Proposed: 1 ft. Low Density Residential (LDR) District | <u>DISAPPROVAL</u> The proposed variance is too large and a setback of one foot would effectively prevent maintenance of the side of the garage without trespassing onto the neighboring property. |

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| T-08-DAR-5-15 | 2082 Broadway Rd. (NYS Rt. 20), Darien | Area Variances to divide a residential property from an agricultural parcel. Lot Size Minimum required: 80,000 ft. Proposed: 74,400 ft. Side Yard Setback Minimum required: 50 ft. Proposed: 38 ft. Rear Yard Setback Minimum required: 50 ft. Proposed: 5 ft. Low Density Residential (LDR) District | <u>APPROVAL</u> Given that the variances are requested to avoid impacts on agricultural lands, the proposed parcel should pose no significant county-wide or inter-community impact. |
| T-02-ELBA-5-15 | 6255 Oak Orchard Rd., Elba | Site Plan Review to erect a 10 kW, 153.8 ft. high wind energy system for a single-family home. Agricultural-Residential (A-R) District | <u>APPROVAL</u> The proposed wind energy system should pose no significant county-wide or inter-community impact. |

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| V-01-ELBA-5-15 | 70 S. Main St. (NYS Rt. 98), Elba | Area Variance to construct a new front porch for an existing single-family home. Front Yard Setback Minimum required: 40 ft. Existing home:45.2 ft. Proposed porch: 33 ft. | <u>APPROVAL</u> The proposed setback should pose no significant county-wide or inter-community impact. |
| | | Residential (R) District | |
| T-06-LEROY-5-15 | 7353 Randall Rd., LeRoy | Area Variances to replace an existing porch and build a new garage for a single-family residence. Front Yard Setback Minimum required: 75 ft. Existing & proposed porch: 62 ft. Proposed garage: 70 ft. | <u>APPROVAL</u> Given that the new porch and garage will not encroach any further onto the front yard than the existing porch and home, the proposed variances should pose no significant county-wide or inter-community impact. |
| | | Residential-Agricultural (R-A) District | |

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| V-02-LEROY-5-15 | 9221 Warsaw Rd. (NYS Rt. 19), LeRoy | Area Variance to build a new deck for a single-family residence. Side Yard Setback Minimum required: 12 ft. Existing garage: 7.5 ft. Proposed deck: 7.5 ft. | <u>APPROVAL</u> Given that the new deck will not encroach any further onto the side yard than the existing garage, the proposed variances should pose no significant county-wide or inter-community impact. |
| Residential (R-1) District | | | |
| V-01-OAK-5-15 | 7062 Lewiston Rd. (NYS Rt. 63), Oakfield | Site Plan Review to construct an addition to an existing restaurant for storage purposes. | <u>APPROVAL</u> The proposed addition should pose no significant county-wide or inter-community impact. |
| Neighborhood Commercial (C-1) District | | | |

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| V-02-OAK-5-15 | 15 Gibson St., Oakfield | Area Variances to construct a rear porch/deck and a detached garage for a single-family home. Rear Yard Setback Minimum required: 35 ft. Existing porch: 8 ft. Proposed: 4 ft. Side Yard Setback Minimum required: 8 ft. Existing garage: Approx. 25 ft. Proposed: 0 ft. Residential (R-2) District | <u>APPROVAL WITH MODIFICATION(S)</u> The modifications are as follows (1) The garage be setback at least three feet from the adjoining property line to allow for proper maintenance of the garage without trespassing on neighboring property; and (2) the applicant provides gutters and other improvements necessary to divert water runoff from the roof away from the neighboring property. With these required modifications the proposed porch/deck and a detached garage should pose no significant county-wide or inter-community impact. |
| T-02-PAV-5-15 | Big Tree Rd. (NYS Rt. 63), Pavilion | Site Plan Review and Area Variances to erect two signs for a proposed convenience store. Wall Sign Area; Maximum allowed: 100 sq. ft.; Proposed: 148 sq. ft. Free-Standing Sign Area Maximum allowed: 25 sq. ft.; Proposed: 50.94 sq. ft. Commercial (C) District | <u>DISAPPROVAL</u> The proposed signage significantly deviates from the maximum allowable signage per the Town of Pavilion Zoning Ordinance. The applicant has not provided documentation that justifies exceeding the maximum allowed size and inappropriate application of variances may pose significant impacts upon the development policies/processes of the Town. |

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| T-04-PEM-5-15 | 2436 Beckwith Rd., Pembroke | Use Variance and Special Use Permit to operate a kennel. | <u>DISAPPROVAL</u> Under the criteria set forth in NYS Town Law, this proposal does not appear to meet the thresholds for the granting of a use variance. The hardship clearly appears to be self-created as the parcel is not owned by the applicant. The applicant also fails to adequately address the other tests required under NYS Town Law of unique hardship, will not alter the essential character of the neighborhood, and failure to realize a reasonable return. Under the Law, the applicant must meet all four tests in order for the Zoning Board of Appeals to grant the use variance. Possible inappropriate application of use variances may pose significant impacts upon the development policies/processes of the Town. |
| | | Agricultural (AG) District | |
| T-05-PEM-5-15 | Main Rd. (NYS Rt. 5), Pembroke | Area Variance to build a pole barn. Lot frontage Minimum required: 200 ft. Proposed: 0 ft. (agricultural easement) | <u>APPROVAL WITH MODIFICATION(S)</u> The required modification is that the building permit be issued only for an agricultural building and agricultural use only - no living space, residential or any other nonagricultural use be allowed. With this required modification, the proposed variance should pose no significant county-wide or inter-community impact. |
| | | Agricultural-Residential (AG-R) District | |

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| T-02-STAF-5-15 | 5557 Main Rd. (NYS Rt. 5), Stafford | Site Plan Review to operate a retail farm produce and landscaping materials business. | <u>APPROVAL WITH MODIFICATION(S)</u> The required modification is that the applicant obtain a driveway permit from NYS DOT for the change in use prior to final approval by the Town. With this required modification, the proposed retail use should pose no significant county-wide or inter-community impact. |

Commercial (C) District
