

<i>NUMBER</i>	<i>LOCATION</i>	<i>APPLICANT'S REQUEST</i>	<i>STAFF RECOMMENDATION</i>
V-02-ALEX-11-14	3190 Broadway Rd. (NYS Rt. 20), Alexander	Special Use Permit to operate a motor vehicle repair shop in an existing commercial building.	<u>DISAPPROVAL</u> The application does not contain a site plan and thus lacks the required documentation to perform a review on this special use permit proposal.
		Residential (R-2) District	
C-17-BAT-11-14	240 Ellicott St. (NYS Rt. 63), Batavia	Downtown Design (Site Plan) Review to place a 40 sq. ft. (2 x 20 ft.) exterior lit wall sign for a retail shop (Clor's Meat Market).	<u>APPROVAL</u> The proposed sign adheres to the Downtown Design Guidelines adopted by the City of Batavia and should pose no significant county-wide or inter-community impact.
		Central Commercial (C-3) District	

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C-18-BAT-11-14	13 Jackson St., Batavia	Special Sign Permit to split one exterior lit wall sign into two to add a bistro to an existing frozen yogurt restaurant (Yo Twisters).	<u>APPROVAL</u> Given that the signs will remain externally lit and will not increase the total sign area, the proposed sign should pose no significant county-wide or inter-community impact.
		Central Commercial (C-3) District	
C-19-BAT-11-14	6 Goade Pk., Batavia	Area Variance to add a second driveway to an existing two-family home. Width of Driveway Maximum allowed: 25% of lot frontage (20 ft.) Existing: 27.5% (22 ft.) Proposed: 38.75% (31 ft.)	<u>APPROVAL</u> Given that neighboring properties exhibit similar amounts of paved surfaces, the proposed driveway should pose no significant county-wide or inter-community impact.
		Residential (R-2) District	

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C-20-BAT-11-14	113 Main St. (NYS Rts. 5 & 33), Batavia	Special Sign Permit and Sign Permits to add three wall signs for an insurance and bank (Bank of Castile/Tompkins Insurance) office space to an existing mixed-use commercial building.	<u>APPROVAL</u> Given that the signs adhere to the Downtown Design Guidelines adopted by the City of Batavia, the proposed signs should pose no significant county-wide or inter-community impact.
		Central Commercial (C-3) District	
C-21-BAT-11-14	509 Ellicott St. (NYS Rt. 63), Batavia	Area Variance for a rear addition to an existing single-family home. Side Yard Setback Minimum required: 8 ft. Existing and proposed: 6.88 ft.	<u>APPROVAL</u> Given that the addition will not encroach any further into the side yard than the existing home and that neighboring properties exhibit similar such setbacks, the proposed addition should pose no significant county-wide or inter-community impact.
		Residential (R-2) District	

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T-17-BAT-11-14	5067 E. Main Street Rd. (NYS Rt. 5), Batavia	Special Use Permit to operate a contractor's yard.	<u>APPROVAL WITH MODIFICATION(S)</u> The required modifications are as follows: (1) No parking shall take place within the public right-of-way, 2) The applicant obtains a driveway permit from NYS DOT for the change in use prior to final approval by the Town, 3) The storage and disposal of new and used waste oils, lubricants, fuel, and other hazardous materials will be conducted in accordance with applicable State and Federal regulations, and 4) Any on-site lighting shall be installed so as to not shine directly onto neighboring properties or cause a hazard for motorists. With these required modifications, the proposed contractor's yard should pose no significant county-wide or inter-community impact.
		Commercial (C) District	
T-18-BAT-11-14	9016 Donahue Rd., Batavia	Area Variance to construct an accessory building (garage) for a new single-family home. Accessory structures/buildings not allowed in a front yard.	<u>APPROVAL</u> The proposed location for the garage should pose no significant county-wide or inter-community impact.
		Residential (R) District	

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V-05-OAK-11-14	60 Main St. (NYS Rt. 63), Oakfield	Site Plan Review to operate a health and wellness facility.	<u>APPROVAL</u> Given that the use is similar to the previous use of the space (gym), the proposed health and wellness facility should pose no significant county-wide or inter-community impact.
		Central Commercial (C-2) District	
T-07-STAF-11-14	6614 Main Rd. (NYS Rt. 5), Stafford	Use Variance to operate a retail gift shop and Christmas tree farm	<u>DISAPPROVAL</u> The proposal does not appear to meet the thresholds set forth under NYS Town Law for the granting of a Use Variance and as such may pose significant county-wide or inter-community impacts. The parcel was purchased by the applicant in 2013, after the zoning regulations were enacted in 1987, therefore the hardship clearly appears to be self-created. Also, the application does not 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. Given that this is the third use variance proposed for this site in the past ten years, it is recommended that the Town Board consider amending its comprehensive plan and or its zoning regulations to allow for a wider variety of uses on this parcel/area.
		Agricultural-Residential (A-R) District	