

MINUTES
April 15, 2020
Plan Commission and Zoning Board of Appeals
City of Batavia
REMOTE MEETING

PLEASE NOTE: These minutes are not a word-for-word transcription of the statements made at the meeting, nor intended to be a comprehensive review of all discussions. They are intended to make an official record of the actions taken by the Committee/City Council, and to include some description of discussion points as understood by the minute-taker. They may not reference some of the individual attendee's comments, nor the complete comments if referenced.

1. Remote Meeting Called to Order for the Plan Commission and Zoning Board of Appeals Meeting

Chair LaLonde called the remote meeting to order at 7:00pm.

2. Roll Call:

Members Present: Chair LaLonde; Commissioners Stark, Harms, Joseph, Peterson and Gosselin

Members Absent: Vice-Chair Schneider

Also Present: Joel Strassman, Planning and Zoning Officer; Drew Rackow, Planner; Scott Buening, Director of Community Development; Jeff Albertson, Building Commissioner; and Jennifer Austin-Smith, Recording Secretary

3. Approval of Minutes: March 4, 2020

Motion: To approve the minutes from March 4, 2020

Maker: Joseph

Second: Stark

Voice Vote: 6 Ayes, 0 Nays, 1 Absent
Motion carried.

4. A & P Grease Trappers, 1740 Hubbard Avenue – Pat Sliger, A&P Grease Trappers, Applicant

- **PUBLIC HEARING: Conditional Use for a Non-Hazardous Material Recycling Facility in the GI General Industrial District**
- **Design Review for a Building Addition**

Motion: To open the Public Hearing

Maker: Gosselin

Second: Peterson

Voice Vote: 6 Ayes, 0 Nays, 1 Absent
Motion carried.

The Public Hearing was opened at 7:03pm.

Strassman reported A&P Grease Tappers is a State-licensed grease and oil processor in which collected waste oil is heated to separate the collected water and solids from the waste oil. Solids would be disposed off-site. This is an allowed use for the property's GI General Industrial zoning with City Council approval of a Conditional Use Permit for a Non-Hazardous material Recycling Facility. The 4,480 square foot building addition and site improvements require Design Review approval. A&P included a description of their business in the information you received.

Staff has met with the applicant's team and provided it with the recommendations included in the staff memo. The applicant has not expressed concern with the staff recommendations for approval, including the requirement to grant Hubbard Avenue right-of-way and site easement dedications.

Before taking action on your recommendation for Conditional Use approval, the Commission must make responses to the Conditional Use findings as required by the Zoning Code. Staff has listed these findings in its memo and provided draft responses for Commission consideration. Commission action on Design Review is final and also requires responses to Design Review findings. Staff has listed these findings in its memo and provided draft responses for Commission consideration.

The Plan Commission (PC) discussed parking. Strassman reported that the applicant is in attendance for the meeting but he could inform the Committee that the parking that is proposed meets the Zoning Code requirements for the addition. The existing building and site has always existed as non-conforming because the existing building and the parking on the site now were in existence when the current Zoning Code was updated. Parking will be added to accommodate the addition. The parking complies with the Zoning Code.

Motion: To adopt the Design Review findings in the affirmative as drafted in the staff memo
Maker: Stark
Second: Joseph
Roll Call Vote: **Aye:** Stark, Harms, Joseph, LaLonde, Peterson, Gosselin
Nay:
6-0 Vote, 1 Absent, Motion carried.

Motion: To approve the Design Review as presented subject to staff approval of the modifications of the Hubbard driveway approach and width to comply with the Zoning Code as part of the building permit review and issuance
Maker: Peterson
Second: Harms
Roll Call Vote: **Aye:** Peterson, Gosselin, Stark, Harms, Joseph, LaLonde
Nay:
6-0 Vote, 1 Absent, Motion carried.

Motion: To close the Public Hearing
Maker: Stark
Second: Joseph
Voice Vote: 6 Ayes, 0 Nays, 1 Absent
Motion carried.

The Public Hearing was closed at 7:16pm.

Motion: To adopt the findings for the Conditional Use as drafted in the staff memo

Maker: Joseph

Second: Gosselin

Roll Call Vote: **Aye:** Joseph, LaLonde, Peterson, Gosselin, Stark, Harms

Nay:

6-0 Vote, 1 Absent, Motion carried.

Motion: To approve a Conditional Use for a Non-Hazardous Material Recycling Facility in the GI General Industrial District subject to the five conditions with subcategories as presented and listed in the staff memo

Maker: Joseph

Second: Gosselin

Roll Call Vote: **Aye:** Joseph, LaLonde, Peterson, Gosselin, Stark, Harms

Nay:

6-0 Vote, 1 Absent, Motion carried.

**5. PUBLIC HEARING: Conditional Use for a Video Gaming Establishment in the DMU Downtown Mixed Use District
Riverside Pizza and Pub, 142 West Wilson Street
RP3 Group, LLC dba Riverside Pizza and Pub, Applicant**

Motion: To open the Public Hearing

Maker: Stark

Second: Joseph

Voice Vote: 6 Ayes, 0 Nays, 1 Absent

Motion carried.

The Public Hearing began at 7:18pm.

Rackow reported that this Public Hearing is for a Conditional Use for a Video Gaming Establishment in the Downtown Mixed Use (DMU) District. Rackow noted that the applicant is in attendance to address and questions. Rackow stated that this was continued from our March 18, 2020 meeting and is for a request to allow five video gaming terminals to be established at the rear of the restaurant. Rackow presented the site layout to the Commission. Security cameras would be over this area and staff would be monitoring the site. The gaming facilities would only be operating during hours when they serve alcohol. Rackow explained the Conditional Use was created in 2018 to provide additional oversight for gaming facilities. All gaming facility users need to have a liquor license in good standing for a year before they could apply.

Motion: To adopt the findings as written by staff

Maker: Gosselin

Second: Joseph

Roll Call Vote: **Aye:** Gosselin, Stark, Harms, Joseph, LaLonde
 Nay:
 5-0 Vote, 2 Absent (1 due to technical issues), Motion carried.

Peterson was recorded as absent because she was experiencing technical issues. When she was able to return to the remote meeting, she expressed her support of the findings.

Motion: To close the Public Hearing
Maker: Stark
Second: Gosselin
Voice Vote: 5 Ayes, 0 Nays, 2 Absent
 Motion carried.

The Public Hearing closed at 7:30pm.

Motion: To recommend approval of the Conditional Use Permit subject to the four conditions a-d presented by staff
Maker: Gosselin
Second: Stark
Roll Call Vote: **Aye:** Gosselin, Stark, Harms, Joseph, LaLonde
 Nay:
 5-0 Vote, 2 Absent (1 due to technical issues), Motion carried.

Peterson was recorded as absent at 7:30 due to a technical issue.

**6. PUBLIC HEARING: Variance for Side Setback for a Detached Garage in the R4 Multi-Family Medium Density District
227 South Water Street – Dan Satterfield, Applicant**

Motion: To open the Public Hearing
Maker: Stark
Second: Joseph
Voice Vote: 5 Ayes, 0 Nays, 2 Absent
 Motion carried.

The Public Hearing was opened at 7:32pm.

Strassman reported after adopting the Findings, staff recommends the Commission approve Design Review as presented, subject to staff approval of the modifications to the Hubbard driveway approach design and width to comply with the Zoning Code as part of the building permit review and issuance.

Applicant Dan Satterfield is proposing to replace the existing garage on his property that is set back 1 foot from the side property line. To reduce the length of new driveway needed, he is proposing to locate it closer to the front of the property than where the exiting garage is located. In this property's R4 Multi-Family zoning district, an accessory structure such as a garage must be setback a minimum of 25 feet from the principal structure which is his 2-unit residence and 10 feet from the side property line. To fit the garage in a location where the driveway can be shortened, it must be closer than one or both of these

required setbacks. Mr. Satterfield notes that when he purchased his property 15 years ago, a garage could be located much closer to the side property line and there was no building separation zoning requirement. He further notes that his neighborhood contains many garages and other accessory structures with very narrow setbacks.

Staff is supportive of a reduced side setback. Adoption of the City's replacement Zoning Code in 2010 rezoned his property and imposed the greater side setback requirement. The required setback was intended to accommodate a detached garage to serve several units in a townhome or apartment building, not on a duplex or two-flat property. Staff believes there would be no negative impact to allow a side setback less than the required 10 feet, and this would allow for a shorter driveway. To balance the required setback, the applicant's desires, and neighborhood character, staff suggests the side setback be 5 feet. This would allow for the 25-foot building separation and provide space for the proposed garage's eave overhang that must be a minimum of 3 feet from the property line.

Before taking action on the Variance recommendation, the Board must make responses to the Variance Findings as required by the Zoning Code. Staff has listed these Findings in its memo and provided draft responses for Board consideration.

Staff recommends the Board conduct and close the public hearing and adopt the Findings. Staff recommends the Board recommend City Council approval of a variance to zoning Code Table 2.204 to allow a detached garage on the property located 227 S. Water Street having a south interior side setback of five rather than the required ten feet, in general conformity with the applicant's plans submitted in support of this variance.

Peterson returned to the meeting with technical issues resolved. She noted her support for the previously recommended conditional use for Riverside Pizza.

Chair LaLonde asked if there were any questions for staff. There were none. Chair LaLonde stated that the application appears very straightforward. Harms commented that the structure would be a nice addition to the neighborhood. Chair LaLonde asked if the applicant was in agreement with the staff's recommendation. Dan Satterfield answered he has accepts staff recommendations.

Motion: To find in favor of the findings as drafted in the staff memo

Maker: Joseph

Second: Stark

Roll Call Vote: **Aye:** Joseph, LaLonde, Peterson, Gosselin, Stark, Harms

Nay:

6-0 Vote, 1 Absent, Motion carried.

Motion: To close the Public Hearing

Maker: Peterson

Second: Joseph

Voice Vote: 6 Ayes, 0 Nays, 1 Absent

Motion carried.

The Public Hearing closed at 7:41pm.

Motion: To recommend to City Council approval of a variance for the Zoning Code Table 2.204 to allow a detached garage on the property located 227 S. Water Street having a south interior side setback of five (5) rather than the required ten (10) feet, in general conformity with the applicant's plans submitted in support of this variance.

Maker: Peterson

Second: Joseph

Roll Call Vote: **Aye:** Peterson, Gosselin, Stark, Harms, Joseph, LaLonde

Nay:

6-0 Vote, 1 Absent, Motion carried.

Strassman stated that this would be placed on the upcoming Committee of the Whole (COW) meeting and the COW would make a recommendation to City Council as the Zoning Board just did.

7. Design Review: For an Addition to Holy Cross Catholic Church 2300 Main Street – Deacon Larry Motyka, applicant

Strassman reported Holy Cross Catholic Church has submitted an application for Design Review proposing an approximately 2,000 square foot Adoration Chapel attached to its existing church. Site access and circulation would be unaffected. The Chapel would meet all requirements of the Zoning Code. The site would continue to provide an excess number of parking spaces and landscape improvements are proposed around the Chapel's perimeter. The Chapel would connect to the existing church via main and lower-level hallways.

Staff is supportive of the addition. Zoning requirements would be met and exterior materials blend with those on the existing church. The Chapel's design is intended to reflect the design of the original downtown church to provide a historic connection to the larger community. Before taking final Design Review action, the Commission must make responses to the Design Review Findings as required by the Zoning Code. Staff has listed these Findings in its memo and provided draft responses for Commission consideration. After adopting the Design Review Findings, staff recommends the Commission approve Design Review as presented.

Chair LaLonde asked if there were any questions for staff or the applicant. There were none. Peterson commented that it is a lovely building. Chair LaLonde commented that tying it to the historic character of the former Holy Cross Church has a very pleasing exterior look. Chair LaLonde asked about the Siena Stone material that was submitted and where it would be applied. Gregory Norris, Architect, answered there is a small retaining wall on the southeast side of the chapel is where it would be utilized. We are using that to create a handicap accessible walkway. Chair LaLonde asked if the brick used on the exterior of the church would match the existing brick. Norris answered that the brick that the original church is made out of is no longer under production, but the brick will match the school addition. The architect discussed the roofing for the church and steeple. Chair LaLonde asked if the bell in the tower would actually ring. Norris answered that

they are going to refurbish the mechanical device to allow it to be operated by a couple remote locations in the church.

Chair LaLonde asked about the timing of this project. Norris answered that they hope to start early June but the current pandemic has brought things to a slower pace.

Motion: To find in favor of the findings
Maker: Harms
Second: Joseph
Roll Call Vote: **Aye:** Harms, Joseph, LaLonde, Peterson, Gosselin, Stark
Nay:
6-0 Vote, 1 Absent, Motion carried.

Motion: To approve the Design Review for this project
Maker: Joseph
Second: Harms
Roll Call Vote: **Aye:** Joseph, LaLonde, Peterson, Gosselin, Stark, Harms
Nay:
6-0 Vote, 1 Absent, Motion carried.

8. Matters from the Public (for items NOT on the agenda)

There were no matters from the public.

9. Other Business

Strassman reported that the property on the southwest corner of Fabyan and Kirk was discussed at the COW meeting. The COW has directed staff to initiate a rezoning proposal from General Commercial to Industrial.

Joseph asked if the craft grower Industrial Use would be brought back to the Plan Commission. Rackow stated that the Council would like a discussion held about allowing those uses but limiting them. Staff is currently working on this. What would come back to the PC is a discussion of those uses along with what type of limitations there would be if permitted that the PC would like to see. The Council would like to see it returned to the PC and receive any recommendations from the Commission. Rackow stated that this discussion is not currently scheduled but will be at a future PC meeting.

10. Adjournment

There being no other business to discuss, Chair LaLonde asked for a motion to adjourn the Plan Commission. Peterson moved to adjourn the meeting, Gosselin seconded. The motion carried. The meeting was adjourned at 8:00pm.

Minutes respectfully submitted by Jennifer Austin-Smith, Recording Secretary, on April 22, 2020.