



# GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID

**T-11-BAT-09-24**

Review Date

**9/12/2024**

Municipality  
Board Name  
Applicant's Name  
Referral Type  
Variance(s)  
Description:

**BATAVIA, T.**

**ZONING BOARD OF APPEALS**

**Kolb Family Automotive**

**Special Use Permit**

**Area Variance(s)**

**Area Variance and Special Use Permit for a 2,438 sq. ft. (46 x 53 ft.) new garage addition to expand an existing motor vehicle sales, service and repair use.**

**Sidyard Setback**

**Required (Minimum): 30 ft.**

**Proposed: 16.5 ft (approx.)**

Location  
Zoning District

**4003 W. Main Street Rd. (NYS Rt. 5), Batavia**

**Commercial (C) District**

## PLANNING BOARD RECOMMENDS:

**APPROVAL WITH MODIFICATION(S)**

## EXPLANATION:

**The required modifications are as follows: 1) the storage and disposal of any hazardous materials must be conducted in accordance with applicable State and Federal regulations; 2) that unless regulated by the New York State Department of Environmental Conservation, any new fuel and oil storage as well as pumps and service devices be located at least 30 feet from all property lines; and 3) the applicant provide an updated site plan that clearly indicates the locations of all vehicles, parts and equipment storage areas, any proposed screening, vehicle queuing, and parking areas associated with the use. With these required modifications, the proposed expansion should pose no significant county-wide or inter-community impact.**

Director

September 12, 2024

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-11-BAT-09-24

**\* GENESEE COUNTY \*  
PLANNING BOARD REFERRAL**

RECEIVED  
Genesee County  
Dept. of Planning  
9/5/2024

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) Town of Batavia Zoning Board of Appeals

Address 3833 West Main St Rd

City, State, Zip Batavia, NY 14020

Phone (585) 343 - 1729

Ext. 238

**2. APPLICANT INFORMATION**

Name Kolb Family Automotive (Jennifer Groff)

Address 4003 West Main St Rd

City, State, Zip Batavia, NY 14020

Phone (585) 356 - 2254

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 4003 West Main St Rd Batavia, NY 14020

B. Nearest intersecting road Lewiston Rd

C. Tax Map Parcel Number 8.-2-89

D. Total area of the property 1.2 acres Area of property to be disturbed 2,703 sq/ft

E. Present zoning district(s) Commercial

**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

Town of Batavia Zoning Schedule A

C. Please describe the nature of this request Application for an Area Variance for side lot set-back and Site Plan review

**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 Matthew Mahaney

Title CEO

Phone (585) 343 - 1729

Ext. 238

Address, City, State, Zip 3833 West Main St Rd Batavia, NY 14020

Email mmahaney@townofbatavia.com

(circle one)

# Agricultural Data Statement

Date 09/05/2024

**Instructions:** This form must be completed for any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review that would occur on property within 500 feet of a farm operation located in a NYS Dept. of Ag & Markets certified Agricultural District.

Applicant	Owner if Different from Applicant
Name: <u>Kolb Family Automotive ( Jennifer Groff )</u> Address: <u>4003 West Main St Rd</u> <u>Batavia, NY 14020</u>	Name: <u>RND Performance Holdings, LLC</u> Address: <u>3391 Pratt Rd</u> <u>Batavia, NY 14020</u>

1. Type of Application:  Special Use Permit;  Site Plan Approval ;  Use Variance;  
(circle one or more)  Subdivision Approval

2. Description of proposed project: Applying for an Area Variance for side lot set-back and site plan review

3. Location of project: Address: 4003 West Main St Rd Batavia, NY 14020  
Tax Map Number (TMP) 8.-2-89

4. Is this parcel within an Agricultural District?  NO  YES (Check with your local assessor if

5. If YES, Agricultural District Number \_\_\_\_\_ you do not know)

6. Is this parcel actively farmed?  NO  YES

7. List all farm operations within 500 feet of your parcel. Attach additional sheets if necessary.

Name: _____ Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES	Name: _____ Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES
Name: _____ Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES	Name: _____ Address: _____ Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Owner (if other than applicant)

Reviewed by:

\_\_\_\_\_  
Signature of Municipal Official

\_\_\_\_\_  
Date

NOTE TO REFERRAL AGENCY: County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.

# Building and Zoning Application Permit No. \_\_\_\_\_

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

Date \_\_\_/\_\_\_/\_\_\_ Zone \_\_\_ Flood Zone \_\_\_ Wellhead Protection \_\_\_ Corner Lot \_\_\_

- 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. \_\_\_\_\_

Owners Name Kolb Family Automotive Phone No. ( ) \_\_\_\_\_

Address 4003 West Main St Rd Project Road Width \_\_\_\_\_ ft

Applicants Name Jennifer Groff Project Address \_\_\_\_\_

E Mail Address \_\_\_\_\_ Phone No ( ) 585 356 2254

Description of Project: \_\_\_\_\_

Existing Use \_\_\_\_\_ Proposed Use \_\_\_\_\_

Estimated Cost Building \_\_\_\_\_ 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 \_\_\_/\_\_\_/\_\_\_

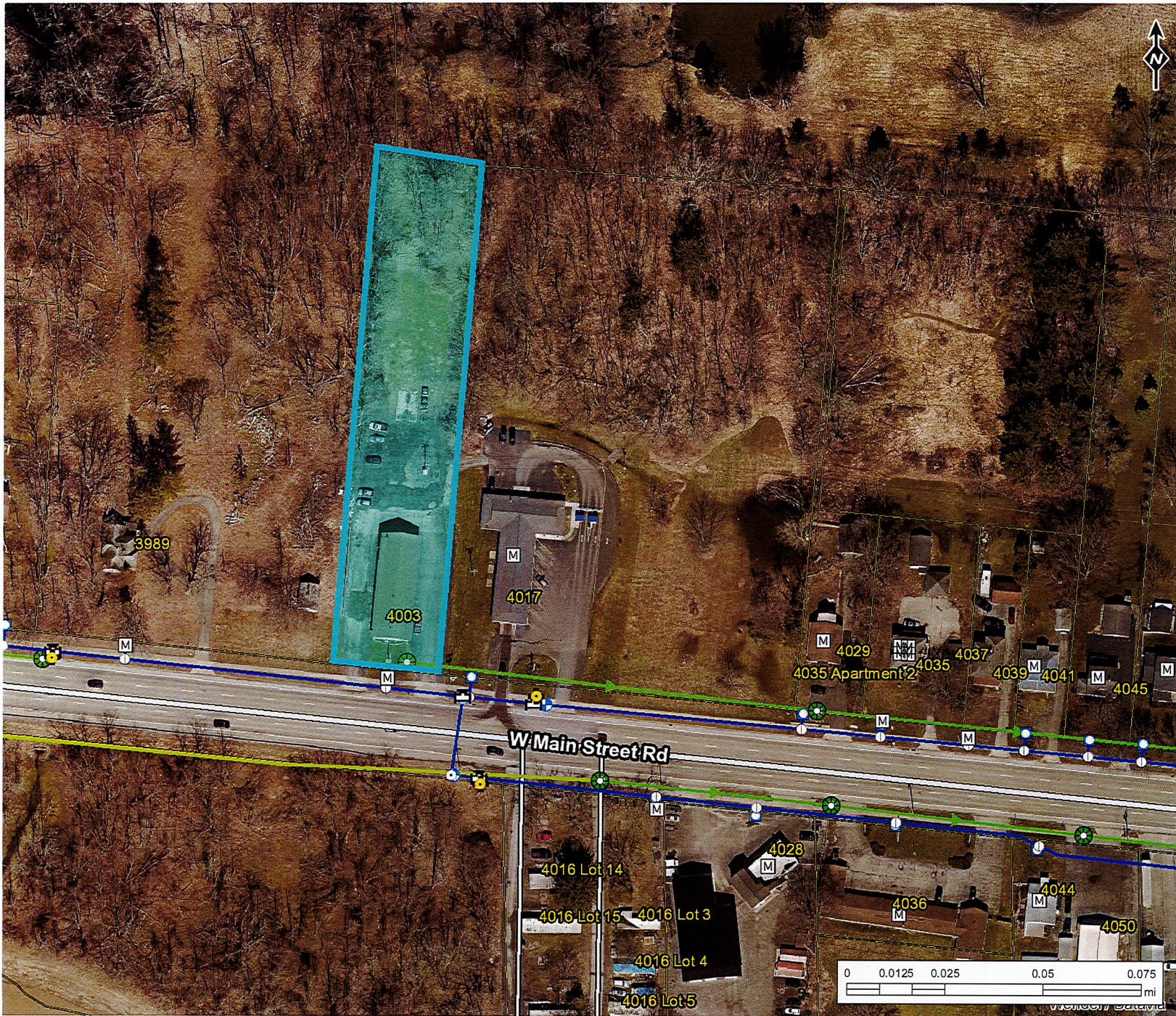
IN SIGNING THIS DOCUMENT I HEARBY GIVE THE RIGHT OF AN ON SITE INSPECTION TO THE TOWN OF BATAVIA CODE ENFORCEMENT OFFICIAL OR THEIR DESIGNE. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME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

\_\_\_\_\_  
Signature of Owner or Authorized Agent Date



# Town of Batavia Web Mapping Application



**LEGEND**

- Water Tank
- Pump Station
- Hydrant Out of Service**
  - Red, Out of Service
  - Yellow w/ Blue Caps, Out of Service
  - Yellow, Out of Service
- Hydrant**
  - Red
  - Yellow
  - Yellow w/ Blue Caps
- Blowoff**
  - Below-Grade Programmable Flushing Unit
  - Blowoff Connection
  - Portable Continuous Flushing Setup
  - Portable Programmable Hydrant Flushing Unit
- Fittings**
  - Type Not Specified
  - Bend
  - Cap
  - Cross
  - Coupling
  - Reducer
  - Blowoff Connection
  - Sleeve
  - Tee
  - Other

wandelcompanies.com



## **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.**

- **Answer:** The proposed variance will not produce an undesirable change in the character of the neighborhood. The expansion of Kolb Family Automotive is consistent with the existing commercial use of the property and aligns with the overall character of the area. The neighboring property is currently for sale, and the closest residential structure, an abandoned residence, is approximately 100 feet away from the property line. The proposed expansion will not negatively impact this property or others in the vicinity. Instead, it may enhance the neighborhood by improving the local economy and aesthetics through the creation of new jobs and the modernization of the automotive facility.

#### **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.**

- **Answer:** The specific benefit sought by the applicant cannot be achieved by any other method. The property has electric poles running through the middle, limiting how far back we can build. Due to these constraints, the only feasible option is to expand to the east side to allow for another shop work bay and a drive-thru bay. Other configurations were considered, but the existing infrastructure necessitates the requested variance to maintain efficient operations and achieve the desired outcome.

#### **3. Whether or not the requested Area Variance is substantial.**

- **Answer:** While the requested variance reduces the setback to 15 feet, it is not considered substantial given the context. The nearest residential structure on the neighboring property is approximately 100 feet away, and the property itself is currently unoccupied

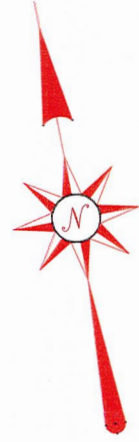
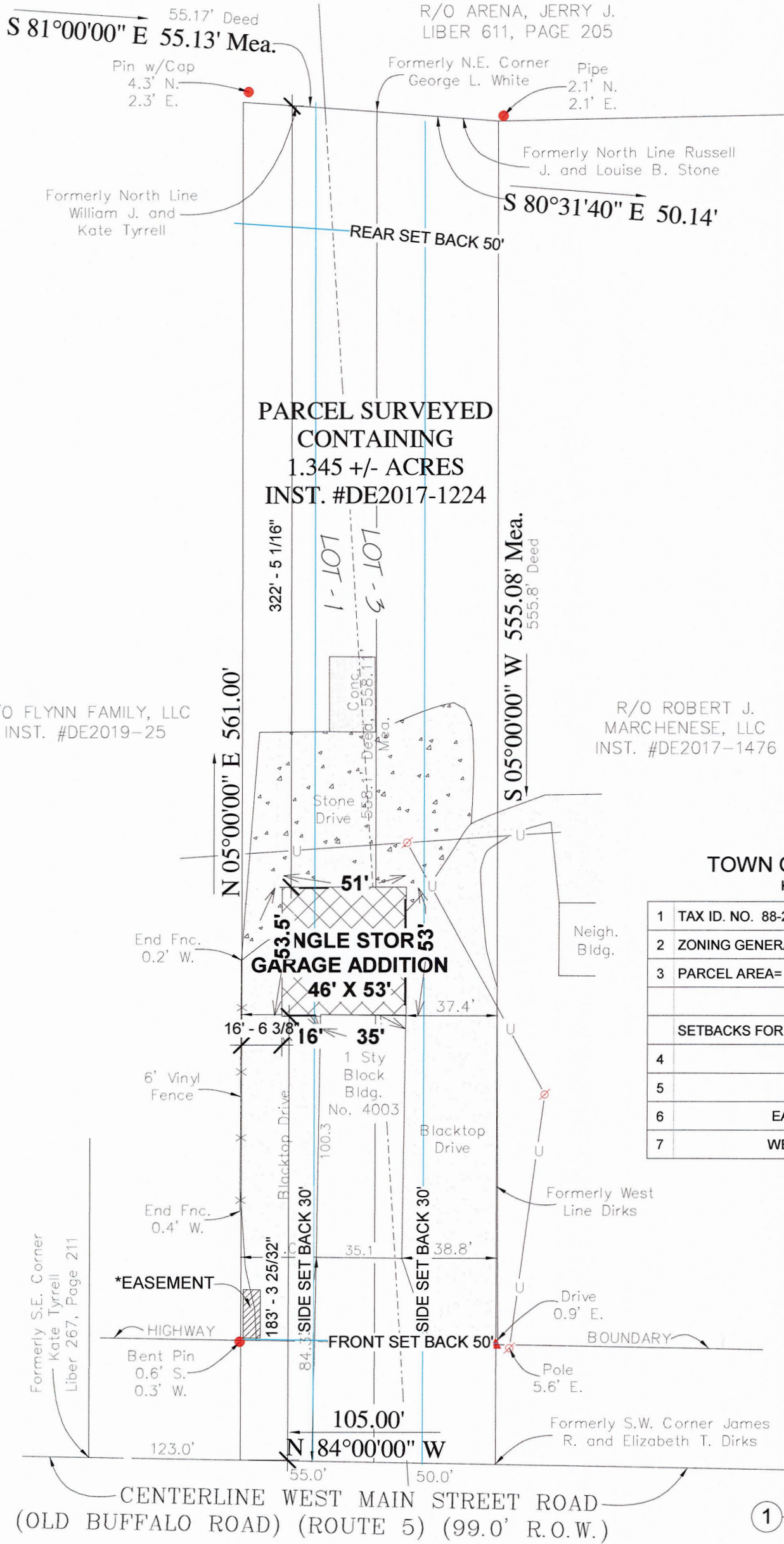
and for sale. The variance is necessary to allow for the functional expansion of the business, and the benefits of the project, including job creation and economic development, outweigh the minimal reduction in setback.

**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.**

- **Answer:** The proposed variance is not expected to have any adverse effect on the physical or environmental conditions in the neighborhood. The expansion will be designed and constructed in compliance with all relevant environmental and safety regulations, ensuring that there will be no negative impact on the surrounding area. Additionally, the project will likely improve the local environment by revitalizing a commercial property and providing enhanced services to the community.

**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.**

- **Answer:** The difficulty in this case can be considered self-created, as it arises from the need to expand the business to meet increasing demand. However, this should not preclude the granting of the variance, as the expansion will bring significant benefits to the community, including job creation and enhanced services. The variance is a practical solution to a challenge that is inherent to the growth and success of a longstanding local business. Furthermore, the physical constraints of the property, including the presence of electric poles, limit alternative expansion options, making this variance essential for the proposed development.



**TOWN OF BATAVIA - SITE DATA**  
KOLB FAMILY AUTOMOTIVE

1	TAX ID. NO. 88-2809526			
2	ZONING GENERAL COMMERCIAL GC:			
3	PARCEL AREA= +/- 1.345 ACRES			
		REQUIRED	PROPOSED	VARIANCE
SETBACKS FOR ADDITION:				
4	FRONT =	50 FT	183.25 FT	NO
5	REAR =	50 FT	322.50 FT	NO
6	EAST SIDE =	30 FT	37.4' FT	NO
7	WEST SIDE =	30 FT	16.5' FT	YES

1 Site Plan  
1" = 50'-0"

PROJECT NAME & ADDRESS:  
**KOLB FAMILY AUTOMOTIVE**  
4003 WEST MAIN ROAD  
BATAVIA NY 14020  
GENESEE COUNTY  
GARAGE ADDITION

ARCHITECT:  
**ANDREW H. HINTENACH III, AIA**  
ARCHITECT  
92 Pulteney Street  
Geneva, New York 14456  
(585) 748-5522  
sailwindsbb@verizon.net

ARCHITECTURAL DESIGNER:  
  
**DESIGN & DRAFTING BY GINA, LLC**  
GINA PESTILLO  
ARCHITECTURAL DESIGNER  
8468 SEVEN SPRINGS RD.  
BATAVIA, NEW YORK 14020  
1 (585) 469-1113  
GPESTILLO@GMAIL.COM

**PROPOSED SITE PLAN**  
DRAWING NAME:  
DATE: 9-4-2023  
DRAWN: BP CHECKED: GMP  
PROJECT NO.: 2024.93  
SCALE: As indicated  
**S100**  
SHEET #



T-11-BAT-09-24



04/02/2023