

**TOWN OF BATAVIA PLANNING BOARD
REGULAR MEETING AUGUST 16, 2005**

PRESENT: Chairman Kathleen Jasinski, Members Paul McCullough, Lou Paganello, Gordon Offhaus, Robert Rumble and Paul Marchese

ALSO ATTENDING: ZEO Clint Worthington, Secretary Sharon White
Joyce Diegelman, Joseph Jaszko, Mr & Mrs. Jason Tomporowski,
Ken Rotondo, Bill Welch, Gary Diegelman, Mr. & Mrs. Rick
VonKramer, Mike Kane, Ted Hawley, Russ Romano, Ron Viele,
Gary McWethy, Ann McCulluch, Walter McBurney,
Mike Doyle and Mike Wall from FRA Engineering

ABSENT: Members Don Partridge and Toni Platek

Alternate Member Paul Marchese will be voting at tonight's meeting due to the absence of two (2) members.

MINUTES OF JULY 19, 2005 MEETING

Paul McCullough made a motion to approve the minutes as submitted. Seconded by Lou Paganello. Vote unanimous for approval.

WESTERN REGIONAL OFF TRACK BETTING – PARK RD – OFF PREMISE SIGN

An application was presented to obtain approval to place an off premise sign on a trailer body at the Hershey property on Park Rd. Mike Kane, VP of Racing at Batavia Downs, appeared before the Board to answer any questions the members may have. The sign would be within the 660 ft. set back of the Thruway. Mr. Kane stated that they have not found any appropriate location for a more permanent sign. Also a trailer sign is less expensive. He stated that he would not be opposed to having a time limit placed on the application. Genesee County Planning Dept. recommended disapproval due to the lack of approval from the NYS Thruway Authority. Paul Marchese made a motion to approve the sign application for a time limit of one (1) year and contingent upon NYS Thruway Authority approval. Seconded by Paul McCullough. Vote unanimous for approval.

JOHN MAGER – 3500 HARLOFF RD – EXPANSION OF SPECIAL USE PERMIT

John Mager appeared before the Board to discuss his proposed expansion of the race track on Harloff Rd for races of cars, motorcycles, snowmobiles and ATV's. Mike Wall from FRA Engineering stated that all their concerns have been addressed. Scott Jones from DEC went out and flagged the wetlands. The race track is outside the 100 ft. buffer. Mr. Wall suggested the Planning Board limit the hours of operation. There currently is no noise ordinance in the Town. Mr. Mager offered to take decibel readings at the neighbors homes when the races are in operation. Genesee County Planning Dept. recommended disapproval due to the lack of DEC approval. Gary Diegelman stated that

he can hear the noise way over on Lewiston Rd. The Town Engineer suggested that a height limit be imposed on the loud speakers. Paul Marchese made a motion to table the application until the noise issue could be worked out. After a brief discussion, Paul McCullough made a motion to approve the application until Nov. 15, 2005 contingent upon DEC approval. The Planning Board will re-visit the issue at the Nov. meeting. Seconded by Gordon Offhaus. Vote unanimous for approval. It was suggested that all three (3) tracks on Harloff Rd. leave their race schedules at Town Hall so the neighbors can pick them out and be informed on the dates and times of the races.

GARY MCWETHY – MEADOWBROOK ESTATES – PHASE 11

Gary McWethy appeared before the Board to discuss the next phase of the subdivision. A representative from DEC asked to review the documentation on the previous completed SEQR's. ZEO Worthington sent the copies. It was determined that a separate SEQR needed to be done on Phase 11. Part 1 EAF needs to be completed by the developer. The Town Engineer stated that they only have a couple of minor issues to address. Mr. McWethy will fill out Part A of the SEQR. Paul McCullough made a motion to recommend the Town Planning Board seek lead agency status for this project. Seconded by Paul Marchese. Vote unanimous for approval.

HANSON AGGREGATES – ELLICOTT ST RD – EXPANSION

Brent LeClare, Environmental Engineer from Hanson Aggregates, appeared before the Board to discuss plans for expansion of their gravel pit on Ellicott St. Rd. The area to be mined is 7.6 acres zoned industrial/ag.res. and will be leased from Chapin Mfg. The Town ordinance does not allow mining in an industrial zone. Robert Rumble made a motion to recommend the Town Board add mining as a permitted use in an industrial zone to the ordinance. Seconded by Paul McCullough. Vote unanimous for approval.

TED HAWLEY – BANK ST RD – EXPANSION OF SELF STORAGE

Ted Hawley appeared before the Board to discuss his plans to expand his self storage business on Bank St Rd. A side yard variance will be needed. Also a possible land separation/parcel merge is needed. ZBA filled out part II of the SEQR and will be forwarded to County Planning. This proposal will be on the 9/20 meeting agenda.

RON VIELE – 4430 W SAILE DR – WAREHOUSE

Ron Viele appeared before the Board along with Ken Rotondo and Mike Doyle to discuss the proposed pool supply warehouse that is planned for this property. Mr. Doyle purchased 11 acres and will develop 2.5 acres to build a 24,000 sq. ft. warehouse. This will be strictly wholesale no retail. Part II of the SEQR was reviewed and completed – unlisted action. Will be forwarded to County Planning. They will return to the 9/20 meeting.

ERIC VONKRAMER – W. MAIN ST RD – SPECIAL USE PERMIT

Eric VonKramer appeared before the Board to obtain approval for a changeable off premise advertising sign. The Zoning Board of Appeals tonight granted a 10 ft variance. Mr. VonKramer was planning on having a number of different businesses advertise on the sign. According to the Town ordinance, an off premise sign can only have the same

ad on each side – same face on both sides. Approval from NYS is needed because it is on state route 5. Paul Marchese made a motion to approve the off premise sign with the same advertising on each side. Seconded by Paul McCullough. Vote unanimous for approval.

MIKE OGNIBENE – E MAIN ST RD – SITE PLAN REVIEW

The Zoning Board of Appeals did not act on Mr. Ognibene's request tonight because they needed more information and Mr. Ognibene was not at the meeting. The ZEO advised that it had been discussed at length.

Gordon Offhaus made a motion to adjourn the meeting at 9:45 pm. Seconded by Lou Paganello. Vote unanimous for adjournment.

Respectfully submitted,

Kathleen Jasinski
Chairman

Sharon White
Secretary