

TOWN OF BATAVIA PLANNING BOARD  
REGULAR MEETING JUNE 15, 2010

PRESENT: Chairman Kathleen Jasinski, Members Paul McCullough, Paul Marchese,

Lou Paganello, Gordon Offhaus, Don Partridge and Toni Platek  
ALSO ATTENDING: ZEO Clint Worthington, Secretary Sharon White  
Jeffrey Frens, Ron Penepent, Dana & Diane Stringham,  
Bob Beradini, Robert Rindo, Stephen Castilone, Scott Evans,  
Roger Muehlig and Town Engineer Steve Mountain

ABSENT: Member Robert Rumble

Alternate Member Don Partridge will be voting at tonight's meeting due to the absence of one (1) member.

MINUTES OF PUBLIC HEARING FOR JEFFREY FRENS - 3475 PEARL ST RD. - SPECIAL USE PERMIT  
SKILLED TRADE SHOP

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

MINUTES OF PUBLIC HEARING FOR STEPHEN CASTILONE - W. MAIN ST. RD. - SPECIAL USE PERMIT

VEHICLE SALES SERVICE AND REPAIR FACILITY

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

MINUTES OF REGULAR MEETING OF JUNE 1, 2010

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

JEFFREY FRENS - 3475 PEARL ST RD - SPECIAL USE PERMIT - SKILLED TRADE SHOP

This item was tabled due to the fact that the Zoning Board of Appeals cancelled their meeting to address a 28 sq. ft. sign application - 4 sq. ft. permitted. The Planning Board is unable to act on the site plan until ZBA action. Paul McCullough made a motion to table the item. Seconded by Don Partridge. Vote unanimous to table.

STEPHEN CASTILONE - W. MAIN ST. RD. - SPECIAL USE PERMIT - VEHICLE SALES, SERVICE AND REPAIR

A long form SEQR is required for this project. Also lead agency status. Paul Marchese made a motion the Town Planning Board seek lead agency status. Seconded by Lou Paganello. Vote unanimous for approval. Genesee County Planning recommended approval with modifications: the applicant obtains an area variance or amend the site plan for the parking spaces to conform to the Town's

10'x20' size standard; the applicant prepares the necessary stormwater pollution prevention plan for construction activities greater than one acre; the applicant obtains preliminary approval from the Genesee County Health Dept. for the location and design of the on-site water and wastewater systems; the applicant provides the necessary documentation from the Army Corp of Engineers for the proposed relocation of the wetland; any signage be in compliance with the Town's zoning re regulations and the applicant provide adequate landscape and lighting plans to the Town Planning Board prior to final approval. With these required modifications, the proposed auto dealership should not pose significant impacts. It is recommended the applicant obtain documentation from the NYS DOT for the appropriateness of the driveway prior to final approval by the Town. It is further recommended the applicant submit the enclosed application for 911 address verification to the Genesee County Sheriff's office to ensure that the address of the proposed business meets enhanced 911 standards.

**SCOTT EVANS - 5158 E. MAIN ST RD - GRAVEL PIT - SITE PLAN REVIEW**  
Scott Evans appeared before the Board to discuss his plans for a single screen drive in movie theatre. This will be considered an accessory to an existing recreation facility.

The size of the screen will be 30' x 60' and will accommodate 150-200 cars. A SEQR is needed. Genesee County Planning recommended approval with modifications. The required modifications: given the increased traffic volume, the applicant obtains approval from the NYS DOT with regards to the adequacy of the existing driveway; the applicant obtains preliminary approval from the Genesee County Health Dept. for the adequacy of the on-site water and wastewater system and any extra signage be in compliance with the Towns Zoning regulations. With these required modifications the proposed drive-in movie theatre should not pose significant impacts. The lighting will be on top of the screen. DOT and Health Dept. letter will be available at the next meeting. Toni Platek made a motion to recommend preliminary approval. Seconded by Lou Paganello. Vote unanimous for approval.

**NATHANIEL DEVELOPMENT CORP. - CLINTON ST. RD./STRINGHAM DR.  
- SUBDIVISION**

James J. Bonsignore, Attorney appeared before the Board to discuss the proposed plans to subdivide 11.74 acres into thirteen (13) lots. Plans call for thirteen (13) 2 family units and one (1) accessory building. The project will not need any variances. A land locked portion is being retained by Dana Stringham to be merged into hsi property. A long form SEQR will be done as required by the Town Engineer. Don Partridge stated that he would like to see another entrance onto Clinton St. Rd. The developer is willing to discuss the issue. The Emergency Response is requesting another entrance onto Clinton St. Rd. Public Hearing is

needed. Genesee County Planning recommended approval with modifications: the applicant combine the proposed land locked lot or obtain an area variance for a non-conforming lot; the applicant provide or have the Town Planning Board formally waive any of the major subdivision requirements that are not provided and are listed in Section 204-6 and detailed in Sections 204-13 and 204-14 of the Town's code(eg. street lighting facilities, sidewalks, street shade, trees, landscaping). With these required modifications, the proposed preliminary subdivision should not pose significant impacts. The applicant will need approval from NYS DOT for the proposed road intersection with NYS Rt. 33 prior to final approval by the Town. If the Town is considering waiving sidewalks, it is recommended that the Town reconsider requiring sidewalks leading to the proposed community center. It is further recommended that the applicants submit the enclosed application for 911 Address Verification to the Genesee County Sheriff's office to ensure that the addresses of the proposed residences meet enhanced 911 standards. Toni Platek made a motion to set July 20, 2010 at 8:30pm as the date and time for the public hearing. Seconded by Paul Marchese. Vote unanimous for approval.

Don Partridge made a motion to recommend the Town Planning Board seek lead agency status for this project. Seconded by Paul McCullough. Vote unanimous for approval.

#### ZEO REPORT

Towne Center - Premier Signs - 4662 Veterans Memorial Drive - Bldg. F (outparcel) - Sign

Permit - Sally's Beauty Supply - 13' x 3' sign. Genesee County Planning recommended approval. Toni Platek made a motion to approve the application. Seconded by Paul McCullough. Vote unanimous for approval.

#### CHAIRMAN REPORT

Chairman Jaskinski asked the members to review the DOT report on appropriateness of driveways.

A brief discussion ensued on SEQR's being handled prior to Public Hearings. This is information that came from the Town Attorney. The Chairman will ask the Town Attorney for the case law which he makes this recommendation from. So the Board can review further.

At this time, Dana Stringham asked to address the Board. He stated that the Town Planning Board gave conceptual approval for the second entrance on Violet Lane onto Clinton St. Rd.

If he intends to develop area north on Stringham Dr. he does not want to be told that he cannot have a second entrance. he minutes will be reviewed as to when the conceptual approval was given.

Gordon Offhaus made a motion to adjourn the meeting at 8:42pm. Seconded by Don Partridge. Vote unanimous for adjournment.

Respectfully submitted,

Kathleen Jasinski  
Chairman

Sharon White  
Secretary