

TOWN OF BATAVIA PLANNING BOARD

REGULAR MEETING MARCH 1, 2011

PRESENT: Chairman Kathleen Jasinski, Members Don Partridge, Lou Paganello, Paul McCullough,

Paul Marchese, Gordon Offhaus and Jeremy Liles

ALSO ATTENDING: ZEO Bruce Gerould, Sharon White, Secretary

Jim Bonsignore, Attorney for Nathaniel Development, Town Attorney Kevin Earl,

Roger Muehlig from the Daily News, Robert Rindo, Karen Tomidy , Dana & Diane

Stringham, and several residents from Stringham Dr./Violet Lane.

ABSENT: Member Robert Rumble

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

MINUTES OF FEBRUARY 15, 2011 MEETING

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

GREASE LIGHTNING/OIL DOCTOR—4003 W. MAIN ST RD—
SPECIAL USE PERMIT

Don Komarske, representing Grease Lightning/Oil Doctor, appeared before the Board to obtain approval to convert a portion of the existing building into a sales area for motorcycles. They will be selling Kodiak motorcycles and will be the only dealer in Western NY to sell them. Genesee County Planning Board recommended approval of the special use permit but disapproval of the area variance for an additional sign. Mr. Komarske stated that one of the

buildings signs will be removed. Also they will make sure the fence along the Flynn property line is fixed up.

The property currently has a special use permit for motor vehicle sales for three (3) cars. The new owner would like to continue with that permit also. Paul McCullough made a motion to approve the Special Use Permit to convert an area of the existing building into a sales area for motorcycles. They must maintain the existing privacy fence and have not more than three (3) cars for sale at one time. Seconded by Paul Marchese. Vote unanimous for approval.

GARDNER ESTATES—VIOLET LANE—DISCUSSION ON POSSIBLE RE-OPENING OF SEQR

Town Attorney Kevin Earl stated that the Board could re-opening the SEQR if it felt either a road change (cul-de-sac or extension onto Clinton St. Rd.) or funding could have a significant impact such as changing the character of the neighborhood. If the Board did re-open the SEQR, would the differences be significant enough to consider changing the impact statement.

James Bonsignore, Attorney for Nathaniel Development, stated that the possibility of state funds was never excluded from the project. The developer still plans to use conventional funding. He disagreed with Town Attorney Earl that funding is irrelevant. Public or private financing cannot be taken into account. The Board is making improper inquiries about the financing. You have no legal authority to open SEQR. The Board cannot re-open SEQR because it is regretting the decision they made.

Member Don Partridge stated that he recalled asking about funding for the latest project and that the developer advised in a letter that conventional funding was expected. He feels we do not need an overload of public housing.

Member Paul Marchese stated he agreed with Don Partridge.

Mr. Bonsignore stated that Nathaniel Development is not applying for approval on the housing project now. Only the division of the land.

Town Engineer Steve Mountain stated that you cannot segregate SEQR from land to the building of homes.

Board Member Lou Paganello said that he has asked for information on the company itself. It may be a reputable company but he doesn't know that. He has never been given any information

The consensus of the Board at the time of voting on the SEQR that it was going to be private financing.

Chairman Jasinski asked the Town Attorney if the Board has the right to ask about financing. Town Attorney Earl stated, yes, if you feel public housing could change the character of the neighborhood. If the Board decides to re-open SEQR the involved agencies will need to be notified.

Chairman Jasinski also asked Mr. Bonsignore when they could expect DOT approval. He stated that he would check with Mr. Caruso. He will return to the March 15, 2011 meeting.

ZEO REPORT

ZEO Gerould stated that at the County Airport a 7,000 sq. ft. hangar project is coming up. It is for a private individual.

The Town building department will be sending a letter to the County to ask Tim Hens if the Town can do the inspections for the county airport, fire training center and county building #2.

Michelle's Catering—W. Saile Dr.—accessory use to the business—small catering business which houses a catering truck and a small area for 2 tables and chairs is occupying the former IJR building.

Chris Mazerbo—W. Main St. Rd.—NYS Repair sign is up on the garage at this location. At the time he appeared before the Board he stated that no repairs will be done on premises. ZEO will ask him to remove the NYS repair sign.

PT ZEO Worthington has been reviewing the Town ordinance and he came across Section 235-13 item J that a height variance will not be needed for the Holiday Inn Express. Height variances shall not apply if the coverage does not occupy more than 10% of the roof area.

Gordon Offhaus made a motion to adjourn the meeting at 9:17 pm. Seconded by Jeremy Liles. Vote unanimous for adjournment.

Respectfully submitted,

Kathleen Jasinski

Chairman

Sharon White

Secretary