

TOWN OF BATAVIA PLANNING BOARD
REGULAR MEETING MARCH 15, 2011

PRESENT: Chairman Kathleen Jasinski, Members Gordon Offhaus, Paul McCullough, Don Partridge, Jeremy Liles, Paul Marchese and Lou Paganello

ALSO ATTENDING: ZEO Bruce Gerould, Secretary Sharon White
Town Attorney Kevin Earl, Town Engineer Steve Mountain,
Town Supervisor Greg Post, Deputy Town Supervisor Dan Underhill, Jim Bonsignore, Lynette Brown, Billie Ball, Steve Licht, Larry Abaire, Roger Muehlig, Dave Tufts, Tim Call, Dana and Diane Stringham, Andy Pedro and several neighbors from Stringham Dr and Violet Lane

ABSENT: Member Robert Rumble

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

MINUTES OF FEBRUARY 15, 2011 MEETING

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

LARRY ABAIRE—3282 W. MAIN ST RD—SPECIAL USE PERMIT FOR MOTOR VEHICLE SALES, SERVICE, REPAIR AND IMPOUND YARD

Larry Abaire appeared before the Board to discuss his request to be re-issued a special use permit in order to operate a motor vehicle sales, service, repair and impound yard at the above address. Genesee County Planning Dept. recommended approval with modifications as follows: no parking shall take place within the public right of ways or in such a manner that would require vehicles to back out onto a public highway; the applicant obtains a driveway permit from NYS DOT for the expansion/change in use prior to final approval by the town; no vehicles intended for dismantling or use for parts shall be stored on the property; no vehicles shall be stacked one on top of another; the use of the impoundment area shall be limited to 10 vehicles at any one time; on site lighting shall be installed so as to not shine directly onto neighboring properties or cause a hazard for motorists and the storage and disposal of all new and used waste oils, lubricants, fuels, coolants and other hazardous materials shall be conducted in a manner consistent with all applicable state and federal laws. With these required modifications the proposed motor vehicle sales, service, repair and impound yard should not pose significant impacts. It is recommended that the Town request the applicant provide an updated site plan since the one presented is nine years old and contains proposed buildings that are existing.

The SEQR was presented and reviewed. After a discussion with the Town Attorney it was determined that Mr. Abaire does not have the needed certificate

of compliance. Therefore, the special use permit cannot be acted upon at tonight's meeting. Paul Marchese made a motion to table the

application for the special use permit until the certificate of occupancy is issued. Seconded by Jeremy Liles. Vote unanimous to table.

CALL FARMS—7941 OAK ORCHARD RD—SITE PLAN APPROVAL & SPECIAL USE PERMIT FOR ADDITION

David Tufts of Tufts Construction appeared before the Board to obtain site plan approval for a 6,238 sq. ft. addition to the existing motor vehicle repair shop of Monroe Tractor. Genesee County Planning recommended approval with modifications as follows—the applicant provide an updated parking plan that shows the location, size and number of all customer and employee parking spaces on the site, given that the proposed addition eliminates current parking areas and the storage and disposal of all new and used waste oils, lubricants, fuels, coolants and other hazardous materials shall be conducted in a manner consistent with all applicable state and federal laws. With these required modifications, the proposed addition should not pose significant impacts.

A public hearing is needed for the special use permit. Paul Marchese made a motion to set April 5, 2011 at 7:30 pm as the date and time for the public hearing. Seconded by Jeremy Liles. Vote unanimous .

Don Partridge made a motion that the SEQR is a type 2 action—not subject to review. Seconded by Paul Marchese. Vote unanimous.

Paul Marchese made a motion to approve the site plan as submitted subject to the Town Engineer comments. Seconded by Don Partridge. Vote unanimous for approval.

DONALD JONES/DAVID DENT—MOTORCROSS—HARLOFF RD.

Donald Jones and David Dent appeared before the Board to discuss overnight parking for the upcoming events at the motor cross on Harloff Rd. (former Chris Mosier property). The overnight camping

will involve approx. 30-40 campers. An agreement has been made with Polar Wave to use their parking area. Between the hours of 11pm and 10 am no machinery will be run. The events will be held once a month . Paul McCullough made a motion that the addition of an accessory use to a special use permit—overnight parking in designated areas—no hook ups—quiet times 11pm to 7am and if having a camp fire a fire ring is required. Seconded by Lou Paganello. Vote unanimous for approval.

GARDNER ESTATES—STRINGHAM DR/VIOLET LANE—POSSIBLE RE-OPENING OF SEQR

Andy Pedro of 8460 Violet Lane spoke to the Board in regards to a list of questions that have not been answered including safety associated with the proposed new intersection at Rt. 33 and how that change might impact a bid for a left turn lane off Rt. 33 onto Stringham Dr. The list of questions was submitted to the Board Members. Chairman Jasinski read a letter from Town Engineer Steve Mountain regarding additional steps the Planning Board needs to consider and additional steps the developer needs to address on engineering and technical comments.

A discussion ensued on the possible re-opening of the SEQR due to changes in financing and the roadway.

Chairman Jasinski asked the Board Members for their input on the re-opening of the SEQR:

Lou Paganello stated that he is not clear on public or private financing. Also he never got answers to his questions.

Paul Marchese stated that we should have a traffic study done. Need more hard data. If DOT is OK then that would clear that issue up.

Paul McCullough stated the cul-de-sac versus the road - should take a hard look at it again. Private/public financing impact to the taxpayers. Also maintenance of underground detention pond need more information.

Lou Paganello—lights and landscaping. Where are these costs going to go? A lot of issues come up. Also how is the housing

compared to those in the area? He is not clear on a lot of points.

Jeremy Liles—not sure who the developer is? He is very concerned. Needs more information.

Don Partridge—Yes, he feels the SEQR should be re-opened. It could make a big enough impact.

Gordon Offhaus—Yes, the SEQR should be re-opened.

Gordon Offhaus made a motion to set April 19, 2011 at 7:30pm as the date and time for a public hearing. Seconded by Paul McCullough. Vote unanimous for approval.

Nathaniel Development Attorney Jim Bonsignore suggested to wait to addresses the neighbors questions. Town Engineer Steve Mountain stated there are still open questions:

1. Traffic—why positive in August and negative in September.
2. Left hand turn—DOT has not responded yet.
3. Road not driveway—still outstanding
4. Underground storage versus pond.
5. Sewer capacity—have enough
6. Rental properties—?
7. Treatment pond—who will maintain? Town would take dedication.
8. Home Values? - unable to answer
9. Re-opening of SEQR

Don Partridge made a motion stating that the two (2) issues in question—cul-de-sac and public financing were not before the Board when the negative declaration was determined. Seconded by Paul Marchese. Vote unanimous for approval.

Lou Paganello made a motion that the Board believes these two (2) issues could have a significant environmental impact and there is a need for further investigation and information. Also the information needs to be sent to the involved agencies regarding the road and

financing. Seconded by Jeremy Liles. Vote unanimous for approval.

ZEO REPORT

Chris Mazerbo - W. Main St. Rd.—sign for vehicle repair is on the garage. ZEO reported that this is needed to be displayed per NYS. It is his licensing sign.

In 2008 Taylor McCabe was issued a temporary special use permit to sell vehicles on East Ave. in E. Pembroke.

Mr. McCabe stated that he was given approval to make it a permanent permit. Have no record of it. Secretary will check the minutes and report back at the next meeting.

CHAIRMAN REPORT

Spring Planning Seminar information has been forwarded to the members. Town Supervisor Greg Post stated that he is checking into new options that are available for training.

Gordon Offhaus made a motion to adjourn the meeting at 9:29pm. Seconded by Lou Paganello. Vote unanimous for adjournment.

Respectfully submitted,

Kathleen Jasinski
Chairman

Sharon White
Secretary