

TOWN OF BATAVIA PLANNING BOARD

SPECIAL MEETING SEPTEMBER 30, 2014

PRESENT: Chairman Kathleen Jasinski, Members Jeremy Liles, Paul McCullough, Jonathan Long,  
Paul Marchese and Lou Paganello

ALSO ATTENDING: ZEO's Dan Lang and Bruce Gerould, Town Fire Inspector Matt Mahaney,  
Town Engineer Steve Mountain, Tony Mancuso, Gregg Torrey, Mr. & Mrs. Doug  
Diegelman, Joyce Diegelman, Gary Diegelman, Dan Ireland from UMMC,  
John Caruso from Passaro Associates, Andy Crossett from Conifer Realty,  
Mr. & Mrs. Hubbard and Howard Owens

ABSENT: Members Gordon Offhaus and Don Partridge

Alternate member will be voting tonight due to the absence of two (2) members.

MINUTES OF PUBLIC HEARING OF SEPTEMBER 16, 2014 FOR BIG TREE GLEN – W MAIN ST RD -SPECIAL  
USE PERMIT

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

MINUTES OF PUBLIC HEARING OF SEPTEMBER 16, 2014 FOR JM EQUIPMENT WHOLESALE – 5069 E  
MAIN ST RD – SPECIAL USE PERMIT

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

MINUTES OF REGULAR MEETING OF SEPTEMBER 16, 2014 MEETING

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

CONIFER REALTY – BIG TREE GLEN – W MAIN ST RD – DECLARE LEAD AGENCY

John Caruso from Passaro Associates appeared before the Board to give an overview of the proposed  
project. This housing project will be developed in three (3) phases. First phase will be fifty six (56) units.

They are seeking three approvals – negative declaration on the SEQR; Special Use Permit and  
preliminary approval on the project. Mr. Caruso addressed the main concerns from the public hearing  
held on September 16, 2014 which were traffic and drainage. A traffic study was done and submitted to  
NYSDOT. No significant impact on traffic was determined. Those residents experiencing drainage now

will not be impacted by this project. Regulations from DEC determine quantity of water running off the property. Sidewalks – is a good idea but not in favor of it. It would be problematic. We feel the project fits directly into the comprehensive plan.

Andy Crossett from Conifer Realty spoke to the Board next. He addressed concerns regarding the facilities being run professionally. Their track record speaks for itself. There will be a full time maintenance supervisor and full time manager. There will be no subsidized housing, no HUD or any other subsidies for the life of this project. This will be truly a workforce housing project. Jeremy Liles made a motion to declare the Planning Board as lead agency for this project. Seconded by Paul Marchese. Vote unanimous for approval. The SEQR was presented and reviewed. Paul Marchese made a motion to declare the SEQR as a negative declaration contingent upon site plan and Town Engineering requirements. Seconded by Paul McCullough. Vote unanimous for approval.

Genesee County Planning Dept. recommended disapproval based upon the proposed multi-family residential development may pose significant county-wide or inter-community impacts and greatly deviates from the County policy of fostering livable communities in the Smart Growth model. As proposed, 96 residential units in one lot and 40 units in another lot would be served by single vehicular access points without any street interconnectivity, access to public transit or pedestrian connections to services. In addition, having that many residences served by single access points may pose significant impacts to public safety/emergency access and may significantly increase accidents in that stretch of NYS Rt 5 given that the majority of trips out of this single use pod development would be making left turns to reach goods, services, employment and recreation. The development is also not in keeping with the Comprehensive Plan adopted by the Town of Batavia in 2007 which identifies this area as commercial in its future land use map (map 4) that is proposed for future business, industrial or mixed use (#7, p20). Paul Marchese made a motion to approve the Special Use Permit based upon the SEQRA and the Special Use Permit criteria review, along with the additional information and offers by Conifer Realty in regards to such things as deed covenants, reverse pilot, pedestrian access/transportation improvements, etc., all of which to be determined and finalized during Final Site Plan approvals, I move that a Special Use Permit be issued conditioned upon Final Site Plan approval which shall include all proposed changes and inclusions as offered by the developer as well as those requested by the Planning Board all as documented in the record. Seconded by Jonathan Long. Vote was five (5) yes with one (1) no by Paul McCullough. Motion passed.

Lou Paganello made a motion to approve the site plan. Seconded by Jeremy Liles. Vote unanimous for approval.

#### ZEO REPORT

Nothing new to report.

#### CHAIRMAN REPORT

There will not be a meeting on October 7, 2014.

Training opportunities for members – Friday, November 14, 2014 at Clarion Hotel – Local Government Workshop. If interested please fill out the form as soon as possible.

Lou Paganello made a motion to adjourn the meeting at 9:30 pm. Seconded by Paul Marchese. Vote unanimous for adjournment.

Respectfully submitted,

Kathleen Jasinski

Chairman

Sharon White

Secretary