

TOWN OF BATAVIA PLANNING BOARD
PUBLIC HEARING MAY 16, 2006

RE: TAYLOR MCCABE – 8622 EAST AVE – E PEMBROKE – SPECIAL USE PERMIT

The Public Hearing was called to order at 7:30 pm by Chairman Kathleen Jasinski. The notice, as published in the Batavia Daily News, was read by the Secretary.

The purpose of the public hearing is to obtain approval for a vehicle sales area at his home. Mr. McCabe stated that he would be only selling one (1) vehicle at a time and would be shown by appointment only.

When no comments or opinions were expressed, the public hearing was closed at 7:34 pm.

Respectfully submitted,

Kathleen Jasinski
Chairman

Sharon White
Secretary

**TOWN OF BATAVIA PLANNING BOARD
REGULAR MEETING MAY 16, 2006**

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

ALSO ATTENDING: Secretary Sharon White, Town Engineer Andrew Schmieder, Eric VonKramer, Taylor McCabe, Larry Ditzel, Ann McCulluch, Walter McBurney, Paul Mrozek, Don Partridge, Gary & Phil

Privatera

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

MINUTES OF MAY 2, 2006 MEETING

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

TAYLOR MCCABE – 8622 EAST AVE – E PEMBROKE – SPECIAL USE PERMIT

An application was presented to obtain approval for a used vehicle sales area at the above location. Genesee County Planning Dept recommended approval with modifications. Those modifications being the growth of this commercial operation on site may affect the residential character of the area by increasing traffic and lot coverage. Having excessive vehicle parking may be detrimental to the visual quality of the neighborhood. To address these concerns the following modifications are required: (1) the hedges along the southern property line in the rear yard shall be maintained for as long as this is present and replaced with suitable stock if damaged, (2) the display areas and proposed number of vehicles for sale on the property shall not increase without applying for a revised Special Use Permit and (3) no auto repair or refurbishment on vehicles other than those for sale shall occur on the property without applying for a revised Special Use Permit. With these required modifications the proposed use should not pose any significant impacts upon surrounding land uses, which include single-family homes. The applicant agreed to all the stipulations and stated that if they ever decide to expand the business they would relocate to a dedicated location. The Board also decided that they would like to see a two (2) vehicle limit at any given time and that the Special Use Permit have a time limit of two (2) years. Paul McCullough made a motion to approve the application subject to a two (2)-vehicle limit at any given time and a two (2) year limit on the Special Use Permit. Seconded by Lou Paganello. Vote was 6 yes with 1 no by Toni Platek. Motion passed.

WELLSVILLE CARPET TOWNE – GATEWAY II CORP. PARK – FINAL SITE PLAN REVIEW

Steve Kane and Timothy Quinn appeared before the Board for Final Site Plan approval. A landscape architect has been hired and the design was presented and reviewed. The Town Engineer still has a few concerns. Paul McCullough made a motion to approve the final site plan subject to Town Engineers approval. Seconded by Gordon Offhaus. Vote unanimous for approval.

ERIC VONKRAMER – 3566 W MAIN ST RD – SELF STORAGE BUILDING #5

An application was presented to obtain approval to construct self storage building #5 – 20 ft x 61 ft. The Town Engineer stated that most of the concerns have been addressed – only a couple of items are still pending. Genesee County Planning Dept. recommended disapproval based upon the existing setback from the bank of the Tonawanda Creek appears inadequate to protect water quality. Significant erosion and solid waste encroachment into the creek have been observed on the premises. The rear yard setback may have significant adverse environmental impacts. The Tonawanda Creek is a state

designated protected stream. The applicant is encouraged to reconfigure their proposed building to establish a larger setback from the creek and resubmit their project for review. It is further recommended that the Town work with the NYSDEC to determine if further measures may be required to prevent potential encroachment on the creek. Mr.

VonKramer stated that he has shortened the building to 61 ft. and will have plantings on the creek bed. Gordon Offhaus made a motion to approve the application subject to Town Engineer approval. Seconded by Robert Rumble. Vote unanimous for approval.

SALLY DITZEL – CORNER HARTSHORN RD AND W MAIN RD – LAND SUBDIVISION

An application was presented to obtain approval to divide one lot into two. Genesee County Planning Dept. recommended approval. Paul Marchese made a motion to approve the application. Seconded by Paul McCullough. Vote unanimous for approval.

GRAVEL PIT – 5158 E MAIN ST RD – CHANGE IN ZONING

Chairman Jasinski advised the Board that outdoor recreation should be added to the zoning ordinance in a commercial zone. This was discussed at the May 2, 2006 meeting and maybe the Planning Board should let the Town Board know if this is a good idea or not. After a general discussion, Paul Marchese made a motion to recommend the Town Board add outdoor recreation to the zoning ordinance for a commercial zone. Seconded by Toni Platek. Vote unanimous for approval.

DON PARTRIDGE – 4957 ELLICOTT ST RD – WINDMILLS

Don Partridge appeared before the Board along with Gary and Phil Privatera to discuss his proposed plans for one to three windmills to be placed on his property. The maximum height would be 135 ft. They would be placed 500 ft. from any boundary line. He would like to have them up and running by Sept. 1st. Application needs to go to County Planning and a SEQR needs to be done.

Gordon Offhaus made a motion to adjourn the meeting at 8:20pm. Seconded by Robert Rumble. Vote unanimous for adjournment.

Respectfully submitted,

Kathleen Jasinski
Chairman

Sharon White
Secretary