

**TOWN OF BATAVIA PLANNING Board  
REGULAR MEETING APRIL 17,2007**

PRESENT: Chairman Kathleen Jasinski, Members Toni Platek, Gordon Offhaus, Don Partridge,

Paul McCullough and Paul Marchese

ALSO ATTENDING: ZEO Clint Worthington, Secretary Sharon White  
Town Attorney Kevin Earl, Town Engineer Steve Mountain,  
Town Supervisor Greg Post, Ron Weiler, Chris Moser,  
Ron Bennett, Russ Romano, Mark Gagliardo, Tony Mancuso,  
Andy Hart, Kate Johnson, Taylor McDermott, Nancy & Joe Jaszko  
And Mr. & Mrs. Tomporowski

Alternate Paul Marchese will be voting at tonight's meeting due to the absence of two (2) members.

**MINUTES OF APRIL 3, 2007 MEETING**

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

Vote unanimous for approval.

**MARK GAGLIARDO – 2729 GALLOWAY RD – LAND SEPARATION**

Mark Gagliardo and Realtor Russ Romano appeared before the Board to obtain approval to separate

A parcel of land on Galloway Rd. into four (4) lots. One (1) lot will be fifty (50) acres; two (2) will be building lots and the fourth will be the existing house plus 10 acres. The ZEO advised that all lots are conforming. Toni Platek made a motion to approve the four (4) separation. Seconded by Paul Marchese. Vote unanimous for approval.

**CHRISTOPHER MOSER – 3323 HARLOFF RD – ADDITION OF AN  
ACCESSORY USE TO A USE WITH A SPECIAL USE PERMIT – OVERNIGHT  
PARKING**

Chris Moser, owner of Area 51 Motocross and his attorney Ron Bennett, appeared before the Board to obtain approval for overnight parking for the track. A site plan was present and reviewed. Mr. Moser stated that a six- (6) ft. barrier wall is being planned and also the track will be shortened for noise barrier. A schedule of dates of no activity was presented. Those dates are as follows:

Monday thru Friday April 23 – 27

Saturday, April 28

Sunday, April 29 race switched to Sunday April 22

Friday, May 18

Friday, June 8

Friday, June 29

Saturday, July 7  
Sunday, July 8  
Sunday, July 14  
Friday, August 24  
Sunday, September 9  
Friday, September 21  
Friday, October 19  
Friday, October 26

The overnight parking will be in a designated area – with no hookups and no cooking on open fire.

Mr. Moser stated that generally 80% of the attendees would stay and 20% would go to a motel.

Genesee County Planning Dept. recommended approval with modifications. Those modifications being

- 1) the applicant strictly adheres to all requirements and limitations set by the Genesee County Health Dept.
- 2) the applicant provide the Town documentation that emergency services (police, fire and EMS) have adequate access to the property at all times during overnight events
- 3) the Town require the applicant to provide documentation to ensure for the registration and supervision of those event participants staying overnight. With these required modifications, the proposed overnight parking should not pose any significant adverse environmental impacts upon the surrounding properties.

Event overnight parking at Area 51 Motorcross Park shall be allowed to be defined as follows:

- 1) For competitors competing at two day events at Area 51 to park on-site for the duration of the event
- 2) By any vehicle with a valid registration, including recreational vehicles as defined by the Town of Batavia Zoning Ordinance
- 3) Only in the designated space for same, a grass lot with no hook ups
- 4) In the overnight lot located on the eastern portion of the premises, identified on the attached site map as “overnight parking area”. This overnight lot is the same parking lot used by competitors to park their vehicles during all events at Area 51 Motorcross Park
- 5) The vehicles may be occupied as a dwelling
- 6) Cooking will be allowed within recreational vehicles containing adequate facilities or outside in a controlled cooking device, including open fires with fire rings

A brief discussion ensued on establishing quiet times. It was agreed to have the hours of 11pm until 7am as quiet times. Gordon Offhaus made a motion to approve the application to allow overnight event parking.

Seconded by Toni Platek. Vote unanimous for approval.

Also Mr. Moser wishes to establish a 50's Track. This is a scaled down version of the regular races for 5-7 year olds. It is a closed course with 50 cc engines (moped engine). Practice on Saturday with normal race hours being 4pm until 9pm. They will have certified EMT's and Fire personnel from the East Pembroke Fire Dept. on during race times. Chairman Jasinski stated that they would like to know the names and when they are on duty. Lights are needed for the 50's course in order to finish the last few races. During the summer months lights are not needed. Sunday races will start at 8:45 am and run until 7:30pm. Wednesday practice will be 5 pm until dusk.

Toni Platek made a motion to approve the 50's course. Seconded by Paul Marchese. Vote unanimous for approval.

**PANDORA'S BOXXX – 4816 ELLICOTT ST RD – TWO (2) AWNING SIGNS**

Ron Weiler from Sterling Tents appeared before the Board to obtain approval to construct two- (2) awning signs and remove one (1) non conforming freestanding sign. The wording on the awnings will be "PANDORA'S BOXXX " LINGERIE VIDEOS NOVELTIES MAGAZINES. Genesee County Planning Dept. recommended approval. Paul Marchese made a motion to approve the application. Seconded by Gordon Offhaus. Vote unanimous for approval.

**COR DEVELOPMENT – VETERANS MEMORIAL DRIVE – RESUBDIVISION TO CREATE SEPARATE LOT FOR LOWE'S**

Kate Johnson and Andy Hart of Bergman Associates appeared before the Board for a resubdivision to create a separate lot for Lowe's. The Town Zoning Board of Appeals granted variances for the number of parking spaces and size. The size will be 9 ½' x 18'. Exterior color and elevations of the project was presented and discussed. Genesee County Planning Dept. recommended approval with modifications. Those being:

- 1) all recommended improvements in the project's traffic study be completed before the opening of any of the proposed businesses provided they are acceptable to the Town Engineer
- 2) control of timing of the proposed new traffic light on Veterans Memorial Drive be placed with the Town which is in the best position to manage that device that will affect traffic flows along this busy public highway (the developer should still pay for installation and ongoing maintenance). And
- 3) parking lot be reconfigured so that all regular parking spaces shall meet the standard dimensions set by the Town as was required of the Home Depot project.

Don Partridge made a motion to approve the site plan subject to Genesee County Planning Dept. modifications of #1 and #2 as stated above. The Town Zoning Board of Appeals has already addressed item #3 on the parking spaces. Also the approval is subject to a satisfactory agreement between the Town and the developer on the land swap – approx. .45 acres to Town – approx. .23 acres to Cor. Seconded by Paul Marchese. Vote unanimous for approval.

Paul Marchese made a motion to approve the resubdivision of the map revised on 3/28/07. Genesee County Planning Referral Number T-14-BAT-4-07 approved with modifications being 1) the applicant provides to the Town all necessary easements for utilities, parking and ingress/egress for all eventual occupants of the development and 2) the applicants work with the Town to reserve land for possible future expansion of Richmond Ave to Veterans Memorial Drive (ie: reserving the area along the south property line from Park Rd.. to the Richmond Ave extension).. Seconded by Paul Marchese. Vote unanimous for approval.

**DEBRA WEBSTER – DAVE’S ICE CREAM – 3870 W MAIN ST RD –  
ADDITION OF DRIVE UP WINDOW – SITE PLAN REVIEW**

An application was presented to obtain approval for a drive up window to be located at the back of the existing building. Vehicles would enter on the west side of the building swing around to the back and exit on the east side of the building. A site plan was presented and reviewed. Paul McCullough made a motion to approve the drive up window. Seconded by Toni Platek. Vote unanimous for approval.

**CHAIRMAN REPORT**

May 15 a joint meeting between Planning Board and Town Board will be held.

Supervisor Post discussed with the Board Members a Townwide water system. He would like a recommendation from the Planning Board on the pros and cons and needs for such a system.

An information meeting on a proposed mega site will held at Town Hall on May 14.

**ZEO REPORT**

The Wood Property on Batavia Stafford Townline Rd – adjoining property owners and surveyors are getting together. It seems there is a little bit of an overlap of property lines.

Gordon Offhaus made a motion to adjourn the meeting at 9:42 pm. Seconded by Don Partridge. Vote unanimous for adjournment.

Respectfully submitted,

Kathleen Jasinski  
Chairman

Sharon White  
Secretary