

**TOWN OF BATAVIA PLANNING BOARD  
REGULAR MEETING JUNE 19, 2007**

PRESENT: Chairman Kathleen Jasinski, Members Don Partridge, Paul McCullough,  
Toni Platek, Gordon Offhaus and Robert Rumble

ALSO ATTENDING: ZEO Clint Worthington, Secretary Sharon White  
Nash Dyslva, Mr & Mrs Ray Seweryniak, Eric VonKramer,  
Paul Mrozek, Mark Dean, Kevin Earl and Todd Audsley

ABSENT: Lou Paganello and Paul Marchese

**MINUTES OF MAY 15, 2007 MEETING**

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

**SPECIAL USE PERMIT LOCAL LAW**

Town Attorney Kevin Earl discussed with the Board Members the ability of the Board to revoke a special use permit. The procedure for revocation of a permit shall be after notification in writing by the ZEO of alleged violation, the authorizing Board shall hold a public hearing to consider whether or not the permit grantee is fully compliant with the approved site plan or has violated any terms or conditions. If grantee has failed to correct violation within the time period, a public hearing shall be held. At least 10 days before said hearing, a legal notice of said hearing shall be published in the newspaper. Days will be calendar days and not business days. Robert Rumble made a motion to recommend the Town Board approve the local law. Seconded by Paul McCullough. Vote unanimous for approval.

**CORR/LOWE – VETERANS MEMORIAL DRIVE – SIGNS**

An application was presented to obtain approval for three (3) building signs. The wording will be (1) Garden Center; (2) Indoor Lumber Yard and (3) Lowe's for a total of 452.6 sq. ft. Genesee County Planning Board recommended approval. Don Partridge made a motion to approve the sign application. Seconded by Gordon Offhaus. Vote unanimous for approval.

**ERIC VONKRAMER – 3566 W MAIN ST RD – SITE PLAN REVIEW**

Mr. Eric VonKramer appeared before the Board to present a site plan for a proposed 41' x 71' storage building at his existing storage facility. Genesee County Planning Dept. recommended approval but did recommend that the Town verify that the proposed building is consistent with NYS DEC recommendations and the Town's floodplain regulations. Don Partridge made a motion to approve the site plan. Seconded by Gordon Offhaus. Vote unanimous for approval.

**RAY & THERESA SEWERYNIAK – HOPKINS RD – LAND SEPARATION**

At the May 15, 2007 meeting, the land separation was approved subject to submission of a site plan. Mr. & Mrs. Seweryniak were at the meeting tonight to submit that plan. It appears all is in compliance. Robert Rumble made a motion to approve the land separation. Seconded by Paul McCullough. Vote unanimous for approval.

**TOYOTA OF BATAVIA – 3899 W MAIN ST RD – ADDITION**

An application was presented to obtain approval to construct a 6,800 sq. ft. addition to the existing motor vehicle sales and repair facility. A 20 ft. side yard set back was requested and granted from the ZBA – 30 ft. side yard is required per the ordinance. Genesee County Planning Board recommended approval. An access lane next to the facility has in the past been used to unload tractor trailers. The next door neighbor brought her concerns about this issue to the ZEO. It will be brought to the attention of the owners and they will correct it. A short form SEQR was presented and reviewed. Don Partridge made a motion to declare the SEQR as a negative declaration. Seconded by Gordon Offhaus. Vote unanimous for approval. Robert Rumble made a motion to approve the application contingent upon the approval of the Town Engineer on the drainage. Seconded by Gordon Offhaus. At this time, Member Don Partridge stated that he had a concern about the tractor trailers backing onto Rt. 5 from this facility. It was suggested that they back in so they can drive out. Vote unanimous for approval.

**BRENDA KING – 3429 W MAIN ST RD – PORTABLE SIGN**

An application was presented to obtain approval to utilize a portable sign – 20 sq. ft. Genesee County recommended approval with modifications. Those modifications being the applicant place the portable sign not less than 10 ft. from any lot line. Mrs. King has a Home Occupation permit and this portable sign should only be operating during business hours and with no flashing lights. Only one (1) portable non-flashing sign is allowed at one time. Robert Rumble made a motion to approve the application. Seconded by Paul McCullough. Vote unanimous for approval.

**BATAVIA DOWNS GAMING – 8315 PARK RD – SIGN**

An application was presented to obtain approval for an off premise directional sign – 325 sq. ft. Genesee County recommended approval with modifications. Those being the proposed sign meets the required 10 ft. distance from all property lines on the Park Rd. side of the parcel but not the Veterans Memorial Drive side of the parcel. The required modification is that the sign be moved to meet the required setback distance from all property lines. The Town Planning Board suggested that the Highway Supt. check for line of site. Don Partridge made a motion to approve the application subject to approval by the Highway Supt on the line of site. Seconded by Robert Rumble. Vote unanimous for approval.

**NASH DYSLVA – 4736 E SAILE DR – REPAIR GARAGE**

An application was presented to obtain approval to construct a 60' x 100' repair garage. This is a modification of a previously approved site plan with a new configuration of shop building and location. The building is being moved 10 ft. closer to the road. Genesee County Planning Board recommended approval. But did suggest that the Town

verify with the NYS DEC the applicant's compliance with both the State Wetlands and Stormwater Management Permits. Gordon Offhaus made a motion to approve the application. Seconded by Paul McCullough. Vote unanimous for approval.

### **ZEO REPORT**

Super Wal Mart construction is coming to a close.

Caterpillar construction is 80% done.

### **CHAIRMAN REPORT**

A brief discussion ensued on the possibility of the State taking over the regulations for windmills. Robert Rumble made a motion to recommend the Chairman send a letter to Senator Rath and Assemblyman Hawley indicating that the Town of Batavia Planning Board is opposed to the State taking over the regulations for windmills. Seconded by Gordon Offhaus. Vote unanimous for approval.

The next meeting will be on Tuesday, July 17, 2007 at 7:30 pm.

Chairman Jasinski will be meeting with Legislative Chairman Mary Pat Hancock on the proposed War Plane Museum.

Gordon Offhaus made a motion to adjourn the meeting at 8:47 pm. Seconded by Toni Platek. Vote unanimous for adjournment.

Respectfully submitted,

Kathleen Jasinski  
Chairman

Sharon White  
Secretary