

**TOWN OF BATAVIA PLANNING BOARD
REGULAR MEETING JULY 17, 2007**

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

ALSO ATTENDING: ZEO Clint Worthington, Secretary Sharon White
Bill Wendt, Sheri Severino, Mike Tomaszewski, Matthew Miscotti
and Gloria Warren

MINUTES OF JUNE 19, 2007 MEETING

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

RAO HOSPITALITY – 4126 W MAIN ST RD – SPECIAL USE PERMIT

Matthew Miscotti appeared before the Board to discuss plans to construct a Kentucky Fired Chicken and Long John Silver Restaurant at the former Heveron's Hotel property. Renderings were submitted for the 3,000 sq. ft. building. Parking will be to the side and back of the building and one (1) drive thru window for both operations are planned. The restaurants will seat 60 patrons. The short form SEQR was presented. Mr. Bill Wendt, neighbor to the west, asked if fencing could be placed along the property line so that he may have some privacy in his back yard. Gloria Warren of 4129 W Main St. Rd., neighbor directly across the street, stated that she was concerned about the exiting of traffic off the site. Right now there is a lot of traffic due to McDonald's and the nail business. She suggested having the exit driveway onto Value Plaza. The lighting on the property will be shielded shoebox type. Toni Platek made a motion to set August 21, 2007 at 7:30pm as the date and time for a public hearing. Seconded by Robert Rumble. Vote unanimous for approval. The ZEO advised that a demolition permit is in the works. Genesee County Planning Dept. recommended approval of this project.

MICHAEL TOMASZEWSKI – 4120 W MAIN ST RD – FREESTANDING SIGN

An application was presented to obtain approval for a 32 sq. ft. freestanding sign to be 10 ft. from the property line.

Genesee County Planning Dept. recommended disapproval based upon the proposed signage deviates from the maximum allowable signage per the Town of Batavia Zoning Ordinance – maximum allowed 25 sq. ft. The Zoning Board of Appeals Approved the setbacks. Lighting on this sign will be from the top. Toni Platek made a motion to approve the application for a 32 sq. ft. freestanding sign. Seconded by Paul McCullough. Vote unanimous for approval.

**STAN'S HARLEY DAVIDSON - DARRYL HORZEMPA – 4425 W SAILE DR –
4TH SIGN ON BUILDING**

An application was presented to obtain approval to place a 4th sign on the building. Genesee County Planning recommended disapproval based upon it deviates from the

maximum allowable signage. Two building and one freestanding signs already exist. This request is a franchise requirement. The Zoning Board of Appeals approved the variance. Don Partridge made a motion to approve the sign permit. Seconded by Toni Platek. Vote unanimous for approval.

FRANCES LASKEY – 8590 SEVEN SPRINGS RD – LAND SEPARATION

An application was presented to obtain approval to separate one parcel into two – 75 ft. frontage with 1.244 acres. Robert Rumble made a motion to approve the application. Seconded by Toni Platek. Vote unanimous for approval.

SCOTT KOPPER – PEARL ST RD – HOME OCCUPATION – AUTO DETAIL BUSINESS

An application was presented to obtain approval to operate an auto detail business in a 1-½ car garage (20'x28'). Gordon Offhaus made a motion to approve the application. Seconded by Paul McCullough. Vote unanimous for approval.

JAMES & PATRICIA VINCENT – 3899 W MAIN ST RD – LAND SEPARATION/PARCEL MERGE

An application was presented to obtain approval to separate 1.62 acres and annexation of parcel to the Toyota dealership. Toni Platek made a motion to approve the application. Seconded by Paul McCullough. Vote unanimous for approval.

ZIGROSSI PONTIAC BUICK – 5069 E MAIN ST RD – SIGN

Robert Rumble made a motion to table this application based upon the Zoning Board of Appeals had not acted on the variance due to more information being needed. Seconded by Lou Paganello. Vote unanimous to table.

ZEO REPORT

DAWN DOLL – HARTSHORN RD – LAND SEPARATION

Lou Paganello made a motion to approve the land separation – a building lot 75 ft. with 1.378 acres. Seconded by Toni Platek. Vote unanimous for approval.

DOMINIC GAROFALO – SO MAIN ST RD – SEPARATE AND MERGE 2 PARCELS

Gordon Offhaus made a motion to approve the land separation and parcel merge to adjoining property. Seconded by Paul McCullough. Vote unanimous for approval.

CHAIRMAN REPORT

The next Planning Board meeting will be Tuesday, August 21, 2007.

The Town of Batavia Fire Dept. will be having their annual fundraiser on Sat. July 28, 2007.

Chairman Jasinski stated that she did get a response from Assemblyman Hawley regarding the state taking control of windmills. He stated that he is in agreement that

local control is best and he will continue to do all he can to assure these decisions continue to be debated and decided locally. No response as of yet from Senator Rath.

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

Respectfully submitted,

Kathleen Jasinski
Chairman

Sharon White
Secretary