

**TOWN OF BATAVIA PLANNING BOARD
REGULAR MEETING AUGUST 21, 2007**

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

ALSO ATTENDING: ZEO Clint Worthington, Secretary Sharon White
Bill Wendt, Joe Volino, Floyd Winkstern, Warren Wood,
Matt Muscotti, Mike Lauterborn and Robert Jantzi

Alternate Member Paul Marchese will not be voting at tonight's meeting due to a full board in attendance.

MINUTES OF JULY 17, 2007 MEETING

Correction – Paul Marchese was inadvertently left off the attendance list. He did attend the meeting on 7/17/07.

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

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

Mr. Muscotti, representing RAO Hospitality, advised that a fence would be erected between KFC property and the adjacent home. It will be an 8 ft. stockade and will gradually get lower as it comes closer to the road. They are also attempting to contact the owner of Valu Plaza to see if they can obtain a cross access agreement. This would allow the vehicles exiting the restaurant to leave thru the plaza and not exit directly onto Rt. 5. This would alleviate some of the traffic congestion for that area. So far they have not had any response from the owner but presented a letter showing they have attempted to contact him. The hours of operation for the restaurant will be Sunday thru Wednesday – 10:30 am until 10:00 pm; Thursday thru Saturday – 10:30 am until 11:00 pm. Asbestos removal from the existing building has been completed and they are now ready for demolition. The engineering drawings have been sent to the DOT for their review. DOT will not approve until approval is obtain from the municipality. A note from the Town Engineer stated that the site plan approval is satisfactory but any approvals from the Planning Board should be contingent upon final engineering plans acceptable from the Town Engineer and that all necessary approvals are received from DOT- highway entrance and storm water discharge. Toni Platek made a motion to approve the site plan subject to Town Engineer comments. Seconded by Paul McCullough. Vote unanimous for approval.

PROVIDENT DEVELOPMENT CORP. – 4430 W SAILE DR – RESUBDIVISION

An application was presented to obtain approval to resubdivide and merge 10 ft. x 440 ft. of land to the east of the existing property to create an area for outdoor storage as an accessory use. Genesee County Planning Dept. recommended approval – the proposed outdoor storage and subdivision should not pose any significant environmental impact

upon surrounding land uses. It is recommended that the Town work with the applicant to ensure the fenced in area be properly buffered.

No chemicals will be stored outside just the accessories – ladders, pumps and etc. Don Partridge made a motion to table the application until the applicant can attend a meeting in order to answer questions. Seconded by Toni Platek. Vote was unanimous to table.

GCEDC – R. STEVEN HAWLEY DR – MED TECH SIGN

An application was presented to obtain approval to construct a new freestanding sign identifying a Planned Unit Development – Med Tech Industrial Park. The proposed sign will be 8-½ ft. x 11 ft. Genesee County Planning recommended approval. Toni Platek made a motion to approve the site plan. Seconded by Robert Rumble. Vote unanimous for approval.

GCEDC – CALL PARKWAY – SIGN PERMIT

An application was presented to obtain approval for two (2) signs within the highway right of way on Call Parkway. Road right of way setback – minimum 10 ft. requesting 5 ft. Number of signs allowed – 1 requesting 2. The Zoning Board of Appeals granted the variances. Both signs will be 8-½ ft. x 11 ft. Toni Platek made a motion to approve the application. Seconded by Robert Rumble. Vote unanimous for approval.

GCEDC – MED TECH PARK – R. STEPHEN HAWLEY DRIVE – LAND SEPARATION

An application was presented to obtain approval for a land separation of 34 acres. The parcel must be separated in order to start development. A brief discussion ensued on the storm water management. No action will be taken on the plans until they go to Genesee County Planning Dept. Toni Platek made a motion to recommend approval of the land separation (southside of R. Stephen Hawley Dr.). Seconded by Lou Paganello. Vote unanimous for approval.

GENESEE SPEEDWAY – E MAIN ST RD – PORTABLE SIGN

Mike Lauterborn representing Genesee Speedway appeared before the Board to obtain approval for a portable sign. The sign will only be lit on Friday and Saturday and non-motion. The races are for 20 weeks and will be done on Sept. 20, 2007. Genesee County Planning Dept. recommended approval and suggested that the Town discuss with the Agricultural Society the possibility of replacing the three (3) signs with one that meets the needs of all the users of the property. Robert Rumble made a motion to approve the sign permit. Seconded by Gordon Offhaus. Vote unanimous for approval.

ZIGROSSI PONTIAC BUICK – 5069 E. MAIN ST RD – SIGN

Don Partridge made a motion to remove the item from the table. Seconded by Toni Platek. Vote unanimous to remove from the table.

An area variance of 31 sq. ft. was granted by the Zoning Board of Appeals for this sign. Toni Platek made a motion to approve the sign application. Seconded by Paul McCullough. Vote unanimous for approval.

MARY & FLOYD WINKSTERN – 8344 POWERS RD – POND

An application was presented to obtain approval to construct a pond to be used for irrigation of crops. The size of the pond will be 1-3 acres and will be at least 100 ft. from any property line. Toni Platek made a motion to set a public hearing for September 4, 2007 at 7:30 pm. Seconded by Paul McCullough. Vote unanimous for approval.

ROBERT JANTZI – PIKE RD – ALFRED BONTAGER AUCTION – LAND SEPARATION

An application was presented to obtain approval to separate 48 acres to sell to neighbor David Bennett. Part of the property is in the Town of Alexander and part in the Town of Batavia. Lou Paganello made a motion to approve the land separation. Seconded by Toni Platek. Vote unanimous for approval.

WARREN & SANDRA WOOD – 9149 CREEK RD – LAND SEPARATION

An application was presented to obtain approval to separate 103 acres - from one parcel into two in order to build a new home. Paul McCullough made a motion to approve the land separation. Seconded by Lou Paganello. Vote unanimous for approval.

DR JAIN – 6 VALLE DR – LAND SEPARATION & PARCEL MERGE

An application was presented in order to obtain approval for a land separation and parcel merge of a section of lot 22A to be merged into lot 22. Lou Paganello made a motion to approve the land separation and parcel merge. Seconded by Don Partridge. Vote unanimous for approval.

CHAIRMAN REPORT

The meetings for September will be on Tuesday, 9/4 and Wednesday, 9/19, 2007. The second meeting was changed from Tuesday to Wednesday due to Primary Day being on the regular third Tuesday of the month.

ZEO REPORT

A brief discussion ensued on farm ponds and recreational ponds. Farm ponds are usually used for irrigation purposes – irrigate the crops, which drains the pond and then wait for the water to refill and then irrigate again.

Gordon Offhaus made a motion to adjourn the meeting at 8:43 pm. Seconded by Toni Platek. Vote unanimous for adjournment.

Respectfully submitted,

Kathleen Jasinski
Chairman

Sharon White
Secretary

**TOWN OF BATAVIA PLANNING BOARD
PUBLIC HEARING AUGUST 21, 2007**

RE: ROA'S HOSPITALITY – 4126 W MAIN ST RD – SPECIAL USE PERMIT

The Public Hearing was called to order at 7:30pm by Chairman 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 to construct a drive thru restaurant for KFC and Long John Silver's.

Joe Avino of 4129 W Main St. Rd., stated that he has no problem with the restaurant but there is a serious issue with traffic – speed and cars coming in and out of the driveway. The safety of that area is not looking good.

Bill Wendt of 4124 W. Main St. Rd. stated that 40 mph means nothing. Speed is getting worse.

Chairman Jasinski advised the neighbors that they need to contact the Town Board to get the ball rolling on a speed reduction.

Matt Muscotti representing ROA Hospitality was at the meeting to answer any questions.

When no further comments or opinions were expressed, the public hearing was closed at 7:40pm.

Respectfully submitted,

Kathleen Jasinski
Secretary

Sharon White
Secretary