

**TOWN OF BATAVIA PLANNING BOARD
PUBLIC HEARING APRIL 8, 2008**

**RE: JONATHAN R. SZUMIGALA – 5213 E MAIN ST RD – HOME
OCCUPATION II**

The Public Hearing was called to order by Chairman Kathleen Jasinski at 7:30 pm.

The purpose of the public hearing is to obtain approval for a Home Occupation II to convert a portion of a building into an antique shop at the above residence. The home is located west of Seven Springs Rd.

Elaine Worthington of 5202 E Main St Rd, who lives across the street from the property, stated she was in favor of the antique shop.

Doris Beuler of 5197 E. Main St Rd., who lives next door to the property, stated she did not want people driving or parking on her property. She was also concerned about the sign. She would like the sign to be placed so it will not obstruct her line of sight getting out of her driveway. Also she wondered what would happen if the antique shop closed. The ZEO explained that if anything else wanted to go in there, it would be subject to review by the Town. This permit is for the antique shop only.

When no other questions or concerns were expressed, the public hearing was closed at 7:40pm.

Respectfully submitted,

Kathleen Jasinski
Chairman

Sharon White
Secretary

**TOWN OF BATAVIA PLANNING BOARD
PUBLIC HEARING APRIL 8, 2008**

**RE: R. TODD JANTZI – BONTRAGER’S AUCTION CENTER – 8975
WORTENDYKE RD – SPECIAL USE PERMIT – ADDITION TO PAVILION**

The Public Hearing was called to order at 7:40pm by Chairman Kathleen Jasinski.

The purpose of the public hearing is to obtain approval to expand an existing pavilion with a 64’ x 150’ addition – 3 open sides – at the above location.

No one appeared to speak about this item. Therefore, the public hearing was closed at 8:02pm.

Respectfully submitted,

Kathleen Jasinski
Chairman

Sharon White
Secretary

**TOWN OF BATAVIA PLANNING BOARD
PUBLIC HEARING APRIL 8, 2008**

**RE: HANSON AGGREGATES NY INC. – 4810 ELLICOTT ST RD – SPECIAL
USE PERMIT – EXPAND EXISTING EXCAVATION**

The Public Hearing was called to order at 7:40pm by Chairman Kathleen Jasinski.

The purpose of the public hearing is to obtain approval to expand an existing commercial excavation.

Mike Lewis, Environmental Manager for Hanson, appeared before the Board to explain their plans. They wish to expand 120 acres of their sand and gravel mine on Rt. #63. DEC has issued a permit for this expansion.

James Lewis of 4852 East Rd., asked what impact the expansion would have on water wells? Mike Lewis stated that the quarry does not de-water like other quarries. If we did impact your well, Hanson would have to take care of it.

Henry Kiesel of 9091 Creek Rd., asked where is the 120 acres located? The 120 acres is towards Creek Rd on property currently owned by Warren Wood and Call Farms. Mr. Kiesel stated that he built his house 50 years ago and ever since this excavation started, he now has cracked cement walls and driveway. The operation is directly behind his home.

Keith Grinnell of 4701 East Rd. asked what the five (5) phases are for this expansion. Mr. Lewis stated the phases are as follows:

Phase 1 – 12.1 acres; Phase 2 - 21.9 acres; Phase 3 – 14.7 acres; Phase 4 – 29.6 acres; Phase 5 – 41.4 acres.

A reclamation plan for the pond area and east is proposed. The land needs to return to agricultural use when the excavation is completed. There are no plans for trucks to enter East Rd. DEC stated that there would be no noise impact – under 50 dba. Dust control is also proposed.

David Adrian of 9384 Shepard Rd. asked about hours of operation. Extended hours in the summer and would there be second and third shifts? Mr. Lewis stated there are no plans to do that.

At this time, Mr. Kiesel stated that he has plans to proceed with legal action to stop this expansion.

When no further comments or concerns were expressed, the public hearing was closed at 8:02 pm.

Respectfully submitted,

Kathleen Jasinski
Chairman

Sharon White
Secretary

**TOWN OF BATAVIA PLANNING BOARD
REGULAR MEETING APRIL 8, 2008**

PRESENT: Chairman Kathleen Jasinski, Members Paul McCullough, Toni Platek, Paul Marchese, Gordon Offhaus,
And Don Partridge

ALSO ATTENDING: ZEO Clint Worthington, Secretary Sharon White
Elaine Worthington, Doris Beuler, Mr. & Mrs. Warren Wood, Mr.
& Mrs. Jonathan Szumigala,
Jim and Jean Lewis, John O'Brien, Henry Kiesel, David Adrian,
Ashley Adrian, Pearl Hyatt,
Jim Morasco, Mike Lewis from Hanson Aggregates and Bill
Welsh

ABSENT: Members Robert Rumble and Lou Paganello

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

MINUTES OF MARCH 18, 2008 MEETING

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

**JONATHAN SZUMIGALA – 5213 EAST MAIN ST RD – SPECIAL USE PERMIT
– ANTIQUE SHOP AND SIGN**

An application was presented to obtain approval for a Home Occupation II to convert an existing portion of a building into an antique shop and to place a sign. Mr. Szumigala outlined his parking area plan and stated that the sign would be 4 sq. ft. and set back off of Rt. 5 far enough so as to not interfere with any line of sight. Genesee County Planning Dept. recommended approval with modifications - the applicant may not erect a sign greater than four (4) sq. ft. in accordance with the Town's zoning ordinance; the applicant contacts and obtains approval from the NYS DOT for the driveway to ensure adequate line of sight; and the applicant applies for a revised Special Use Permit if they anticipate expanding the business in its current location. Steve Mountain, Town Engineer, stated that upon his review of the application, he would recommend that the Planning Board make as part of the approval that the Town will monitor the traffic generation and that the applicant be aware that it is their responsibility to seek and obtain all State and Federal permits that may be required now or in the future.

The short form SEQR was presented and reviewed – unlisted action. Don Partridge made a motion to declare the SEQR as a negative action. Seconded by Toni Platek. Vote unanimous for approval.

Toni Platek made a motion to approve the application to include the Town Engineer's comments. Seconded by Paul Marchese. Vote unanimous for approval.

TODD JANTZI – BONTRAGER AUCTION CENTER – 8975 WORTENDYKE RD – SPECIAL USE PERMIT FOR EXPANSION OF PAVILION

Mr. Jantzi asked that his application be tabled until DEC delineates the wetlands that are on this property. Gordon Offhaus made a motion to table the application. Seconded by Toni Platek. Vote unanimous to table.

HANSON AGGREGATES NY INC – 4810 ELLICOTT ST RD – SPECIAL USE PERMIT TO EXPAND EXCAVATION

An application was presented to obtain approval to expand the existing quarry operation 120 acres. Genesee County Planning Dept. recommended approval with modifications – applicants need to obtain the necessary approvals from the NYS Dept of Agriculture and Markets and amend the SEQR documentation to reflect the fact that the properties involved are currently enrolled in Genesee County Agricultural District No. 1. With this required modification, the commercial excavation expansion should not pose any significant adverse environmental impacts upon the surrounding land uses. Town Engineer Steve Mountain commented that County Planning's remark about revision of the SEQR documents is something that is the responsibility of DEC to determine if that is necessary and also the removal from the Ag District is up to the applicant to determine when to apply for removal. Mr. Lewis stated that he spoke with Ag & Markets and it is not required.

Don Partridge made a motion to approve the application for the 120 acre expansion. Seconded by Paul McCullough. Vote unanimous for approval.

MIKE MORASCO – 8094 STATE ST RD

Mike Morasco and Realtor Pearl Hyatt appeared before the Board for an informal discussion on a proposal for Mr. Morasco's property. He owns eight (8) acres around his home which is located in a split zone – west of State St Rd for 300 ft. is zoned agriculture/res. and beyond that is Industrial Park. He would like to have a driveway off State St to get to the rear of the property. Is a driveway acceptable on the Ag/Res. Zone to get to the Industrial Park zone? The Board felt that this was a question for the Town Attorney. Mr. Morasco will return at the next meeting.

ZEO REPORT

ZEO Worthington stated that he would like to squelch rumors – Lowe's is coming.

Jerry Arena on Park Rd. – has closed his business and is blaming the Town officials. But when the hot dog stand was built, the engineer, Francis Shepard, did minimum drawings for the hood. At that time, it was accepted because it had a seal. The charcoal burners are located next to the deep fryer. This is illegal – it was never caught. These hoods should be looked at two (2) times a year. The NYS Building Code states that once there

is a violation, it needs to be remedy. Mr. Arena chooses not to correct the problem and the hood inspectors would not pass it.

CHAIRMAN REPORT

Hawley Local Government Conference – forms need to be handed in to Teresa ASAP if you plan on attending.

Gordon Offhaus made a motion to adjourn the meeting at 9:02pm. Seconded by Don Partridge. Vote unanimous for adjournment.

Respectfully submitted,

Kathleen Jasinski
Chairman

Sharon White
Secretary

