

**TOWN OF BATAVIA PLANNING BOARD
PUBLIC HEARING JUNE 18, 2008**

RE: LEE ANN SELAPACK – 3400 ROSE RD – POND

The Public Hearing was called to order by Chairman Kathleen Jasinski at 8:00 pm. 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 pond on her property for recreation and agricultural use.

When no comments or opinions 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 JUNE 18, 2008**

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

ALSO ATTENDING: ZEO Clint Worthington, Secretary Sharon White
Kevin Earl, Gary McWethy, Frank Falleti, Bill Welsh
And LeeAnn Selapack

ABSENT: Member Don Partridge

MINUTES OF MAY 20, 2008 MEETING

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

**GARY MCWETHY – MEADOWBROOK ESTATES – SUBDIVISION OF LAND
AND RECOMMENDATION TO TOWN BOARD FOR CHANGE TO OPEN
SPACE**

Gary McWethy appeared before the Board to discuss the possibility of subdividing the exception area. After a lengthy discussion, Paul McCullough made to approve the subdivision site plan dated January 11, 2008 as submitted with conditions:

- 1) The rear lot lines on lots 154, 155, 156, 157 and 158 shall follow the original points approved on subdivision plan dated September 6, 2001. The area requirements indicated with this configuration shall be the frontage and area that is determined by the configuration of those property lines as per Section 235-41-D of the Code of the Town of Batavia in that “all other area requirements as set forth in Zoning Schedule A may be modified by the Planning Board” under the Cluster residential development rules.
- 2) Accessory structure/maintenance building shall be approved in the location shown on parcel 153 not to exceed 2,500 sq. ft. and to conform to lot line requirements at the time of construction.
- 3) Under no conditions will this modification reduce the restricted open areas of the previously approved cluster residential development dated Sept. 6, 2001.

Seconded by Paul Marchese. Vote was six (6) yes with one (1) no by Robert Rumble. Motion passed. Robert Rumble voted no because he would like to see the road done as promised by Mr. McWethy.

LEEANN SELAPACK – 3400 ROSE RD – POND

An application was presented to obtain approval to construct a pond for recreation and agricultural purposes. The ZBA approved variances for 50 ft. on east side of property; 58 ft. on west side and 100 ft. on the north and south sides. Soil and Water has approved the pond. Robert Rumble made a motion to approve the application. Seconded by Paul Marchese. Vote unanimous for approval.

FRANK FALLETI – 5009 E MAIN ST RD – SPECIAL USE PERMIT – VEHICLE SALES

An application was presented to obtain approval to operate a used vehicle sales lot at the former Glade’s Glass Shop. Toni Platek made a motion to take the item off the table from the previous meeting. Seconded by Robert Rumble. Vote unanimous to remove from the table.

Genesee County Planning Dept. recommended disapproval due to the site plan not providing an adequate amount of parking for customers and employees on the applicant’s property. A large portion of the parking lot seems to be owned by the NYC RR and the applicant appears to intend to use/fill part of the parking lot. Mr. Falleti stated that he has an easement for the purpose of ingress and egress and that no cars would be parked in the area owned by the NYC RR. There will be parking in the front for one (1) handicap and two (2) regular. The neighbors to the west of the property, Mr. & Mrs. Tom Seager, had expressed a concern about maintaining their privacy at the May 20th meeting. Mr. Falleti stated that he would be willing to plant trees along their property line. Paul McCullough made a motion to approve the application subject to a landscape buffer along the western property line to start now and the driveway configuration being – eastern driveway will be ingress and western driveway will be egress and also the application is contingent on Town Engineer’s approval. Seconded by Paul Marchese. Vote unanimous for approval.

MICHAEL MORASCO – 8094 STATE ST RD

Mr. Morasco was interested in putting a driveway in along his southern property line – which is zoned residential but the back of his property is zoned industrial. Attorney Kevin Earl researched it and found that a 250 ft. buffer zone is in effect all along State St Rd. No owners in this area can develop a roadway. Paul Marchese made a motion to send a letter to Pearl Hyatt, realtor for Mr. Morasco, regarding the outcome of the research. Seconded by Lou Paganello. Vote unanimous for approval.

CHAIRMAN REPORT

The summer schedule for meetings is July 15 and August 19.

Gordon Offhaus made a motion to adjourn the meeting at 9:40pm. Seconded by Robert Rumble. Vote unanimous for adjournment.

Respectfully submitted,

Kathleen Jasinski
Chairman

Sharon White
Secretary

