

TOWN OF BATAVIA PLANNING BOARD
REGULAR MEETING JULY 20, 2010

PRESENT: Chairman Kathleen Jasinski, Members Lou Paganello, Paul McCullough, Gordon Offhaus,

Donald Partridge, Paul Marchese and Toni Platek

ALSO ATTENDING: ZEO Clint Worthington, Secretary Sharon White, Town Engineer Steve Mountain, Councilman John Gerace, Scott Evans, Everett West, Roger Muehlig, Steve Castilone, Robert Rindo, Jason Bonsignore, Rhonda Saulsbury,

Michael Braun

ABSENT: Member Robert Rumble

Alternate Member Don Partridge will be voting at tonight's meeting due to the absence of one (1) member.

MINUTES OF JUNE 15, 2010 MEETING

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

JEFFREY FRENS - 3475 PEARL ST RD - SITE PLAN APPROVAL FOR SIGN

The applicant did not get a variance from the ZBA. The ZEO advised that Mr. Frens will not accept the 4 sq. ft. sign that is allowed because he feels it is too small for his business. He will do some sign testing (different locations and etc.) and advise the ZBA. Until then the application will continue to be tabled.

RAY NICHOLS - 2720 PEARL ST RD - SPECIAL USE PERMIT TO CONSTRUCT SELF SERVICE STORAGE BUILDING

Mr. Nichols appeared before the Board to discuss his plans to construct a 3700 sq. ft. self service storage building on his property (formerly Carl's Auto Parts). A public hearing is needed. Genesee County Planning recommended approval with modifications - no outdoor storage be allowed given the size of the lot. With this required modification the proposed self-service storage unit should not pose significant impacts. Don Partridge made a motion to set August 17, 2010 at 7:30pm as the date and time for the public hearing. Seconded by Gordon Offhaus. Vote unanimous for approval.

SCOTT EVANS - 5158 E MAIN ST RD - GRAVEL PIT - FINAL SITE PLAN APPROVAL DRIVE IN THEATRE

A short form SEQR was presented and reviewed. Don Partridge made a motion to declare the SEQR as a negative impact. Seconded by Lou Paganello. Vote unanimous for approval.

Mr. Evans advised the Board about his plans for updating the property. Bathrooms will be expanded. Existing lighting will be changed - 6 floods to 2. Lighting will also be installed along the perimeter of the driveway. The driveway is capable of stacking 44 cars before going onto Rt. #5. Genesee County Planning recommended

approval with modifications - given the increased traffic volume, the applicant obtains approval from the NYS DOT with regards to the adequacy of the existing driveway; the applicant obtains preliminary approval from the Genesee County Health Dept. for the adequacy of the on-site water and wastewater system; and any existing signage be in compliance with the Town's zoning regulations. Don Partridge made a motion for final site plan approval. Seconded by Paul McCullough. Vote unanimous for approval.

EVERETT WEST - 8068 BANK ST RD - LAND SEPARATION

Mr. West appeared before the Board to obtain approval to divide one (1) lot into two (2) - 33.4 acres. This property is in an active Ag district. Paul Marchese made a motion to approve the land separation subject to removal from the Ag district. Seconded by Paul McCullough. Vote unanimous for approval.

STEVE CASTILONE - W. MAIN ST RD - SEQR AND SPECIAL USE PERMIT

Gordon Offhaus made a motion to declare the Planning Board as lead agency for SEQR purposes. Seconded by Lou Paganello. Vote unanimous for approval. The long form SEQR was presented and reviewed. Don Partridge made a motion to declare the SEQR as a negative declaration. Seconded by Paul Marchese. Vote unanimous for approval. Genesee County Planning recommended approval with modifications - the applicant obtains an area variance or amend the site plan for the parking spaces to conform to the town's 10 ft. x 20 ft. size standard; the applicant prepares the necessary stormwater pollution prevention plan for construction activities greater than one acre; the applicant obtains preliminary approval from the Genesee County Health Dept. for the location and design of the on-site water and wastewater systems; the applicant provides the necessary documentation from the Army Corp of Engineers for the proposed relocation of the wetland; any signage be in compliance with the Town's zoning regulations and the applicant provide adequate landscape and lighting plans to the Town Planning Board prior to final approval. It is also recommended that the applicant obtain documentation from NYS DOT for the appropriateness of the driveway prior to final approval by the Town. It is further recommended that the applicant submit the enclosed application for 911 address verification to the Genesee County Sheriff's office to ensure that the address of the proposed business meets enhanced 911 standards. Paul McCullough made a motion to approve the Special Use Permit for a new motor vehicle sales, service and repair facility. Seconded by Lou Paganello. Vote unanimous for approval.

CHAIRMAN REPORT

The Town of Batavia Fire Dept.'s annual fundraiser will be on Saturday, July 24, 2010.

A letter from the Batavia Housing Authority was distributed to the Members.

Nathaniel Development Corp - Stringham Dr./Clinton St. Rd.

Don Partridge asked about the second entrance on Rt. #33 for this proposed project. Maybe the residents could advise us of the peak times. He is opposed to the second entrance. The Subdivision rules and regulations call for 800 ft. distance for ingress and egress. Where the second one is proposed it is only 550 ft. Copy of the trip generation report regarding the proposed traffic on Rt. #33 was presented. Don Partridge made a motion to declare the Planning Board as lead agency for SEQR purposes for this project. Seconded by Paul Marchese. Vote unanimous for approval.

A letter from Passero Associates addressing Town Engineer's concerns was responded to. Some of those concerns are roadway versus cul-de-sac and drainage. The SEQR could be done at the next meeting which is August 17, 2010. Another Public Hearing will be held after SEQR is completed. Town Attorney Kevin Earl's comments are needed on the second entrance and detention pond issues. Genesee County Planning recommended approval with modifications - the applicants combine the proposed land locked lot or obtain an area variance for a non-conforming lot; the applicants provide or have the Town Planning Board formally waive any of the major subdivision requirements that are not provided and are listed in Section 204-6 and detailed in Sections 204-13 and 204-14 of the Town's code (ie: street lights, sidewalks, street shade trees and landscaping. With these required modifications, the proposed preliminary subdivision should not pose significant impacts. The applicant will need approval from NYSDOT for the proposed road intersection with NYS Rt.33 prior to final approval by the Town. If the Town is considering waiving sidewalks, it is recommended that the applicants submit the enclosed application for 911 address verification to the Genesee County Sheriff's office to ensure that the addresses of the proposed residences meet enhanced 911 standards.

Gordon Offhaus made a motion to adjourn the meeting at 8:25pm. Seconded by Lou Paganello. Vote unanimous for approval.

Respectfully submitted,

Kathleen Jasinski
Chairman

Sharon White
Secretary