

TOWN OF BATAVIA PLANNING BOARD  
REGULAR MEETING JANUARY 4, 2011

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

ALSO ATTENDING: Dep. ZEO Bruce Gerould, Sharon White, Secretary, Town Engineer Steve Mountain, Town Supervisor Greg Post, Dep. Town Supervisor Dan Underhill, Robert Rindo, Jim Palmero, David & Marilyn Pastecki, Dana & Diane Stringham and several residents from Stringham Dr and Violet Lane.

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 PUBLIC HEARING OF DECEMBER 8, 2010 FOR  
CHRISTOPHER MAZERBO – 4035 W MAIN ST RD – SPECIAL USE  
PERMIT TO SELL MOTOR VEHICLES

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

MINUTES OF PUBLIC HEARING OF DECEMBER 8, 2010 FOR  
NATHANIEL DEVELOPMENT CORP – SUBDIVISION

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

MINUTES OF REGULAR PLANNING BOARD MEETING ON  
DECEMBER 8, 2010

Don Partridge made a motion to approve the minutes as submitted. Seconded by Gordon Offhaus. Vote unanimous for approval.

NATHANIEL DEVELOPMENT CORP. - CLINTON ST RD/VIOLET  
LANE - SUBDIVISION

Jesse Sudol and John Caruso from Passaro Associates presented the proposed subdivision plat map showing the second access onto Clinton St. Rd. from Violet Lane. Mr. Caruso stated that preliminary approval is being sought. A brief discussion ensued on

the traffic study that was done. It indicated that the impact of the traffic that would be generated was not significant based on the addition of twenty one homes to the area. NYS DOT approved the proposed driveway onto Clinton St. Rd. across from Terry Hills Dr. The site distance for this second access is approx. 1320 ft. toward Stringham Dr. and 965 ft. toward the city limits. There has been a concern regarding traffic accidents on Clinton St. Rd. at Stringham Dr. In checking with NYS DOT, the accident rate was low, in fact, it was not even indicated on the State's average chart. Genesee County Planning Dept. recommended disapproval based upon while the proposed single family residential land use is in keeping with the Town's Comprehensive Plan, the proposed street layout with a cul-de-sac is not. Currently, there are approximately sixty-five (65) residences served by a single access point and this proposal, as currently configured, would add another twenty (20) residences for a total of approximately eighty five (85) residences with a single access point while effectively eliminating the possibility of Violet Lane extending out to Rt. 33. Having that many residences served by a single access point may pose significant impacts to public safety/emergency access. It is recommended the applicant and the Town work with the NYS DOT to determine the practicality of connecting Violet Lane through to Rt. 33 as shown in the Town's Comprehensive Plan. Member Paul Marchese asked if the cross intersection would need a traffic light. Town Engineer Steve Mountain stated that a stop sign would be sufficient. A brief discussion ensued on the possible waiver of the 800 ft. distance requirement between intersections. Paul McCullough made a motion to recommend the 800 ft. distance requirement be waived. Seconded by Paul Marchese. Vote was 4 yes with 2 nos by Kathy Jasinski and Gordon Offhaus. Motion passed. Don Partridge made a motion to accept the preliminary application for nineteen (19) single family residences subject to the Town Engineers approval. Seconded by Paul McCullough. Vote unanimous for approval. Paul Marchese made a motion to set Tuesday, January 18, 2011 at 7:00 pm as the date and time for the public hearing. Seconded by Don Partridge. Vote unanimous for approval.

MARK TIEDMANN - MWT ARCHITECTURE - HOLIDAY INN  
EXPRESS - 8360 COMMERCE DR.

The applicant wishes to construct a four (4) story hotel (former Ambassador Banquet Center) in an Industrial zone. Public Hearing is needed for the special use permit. Paul McCullough made a motion to set Tuesday, January 18, 2011 at 7:30pm as the date and time for the public hearing. Seconded by Gordon Offhaus. Vote unanimous for approval.

#### LARRY ABAIRE - 3282 W MAIN ST RD - WORKING WITHOUT SPECIAL USE PERMIT

Dep. ZEO Gerould went to the Abaire property today with the intention of taking photos to show the Board Members for tonight's meeting. Mr. Abaire would not allow the Dep. ZEO to take any pictures. But he did state there are a couple of cars and a pile of tires that still need to be addressed. Mr. Abaire stated he has been working on getting things done. The Dep. ZEO also stated that the plans that were submitted for the building is not what is being built. Correct plans need to be filed with the Town. Mr. Abaire stated that once the tires and cars are gone, he will allow the ZEO to come onto the property and take pictures. He will return to the Board at the March 1, 2011 meeting to give the Board an update. Paul Marchese made a motion to set Tuesday, March 1, 2011 as the date for Mr. Abaire to meet all requirements in order to obtain another special use permit so he can operate legally. Seconded by Paul McCullough. Vote unanimous for approval.

#### ZEO REPORT

Oil Dr. - W Main St Rd - will be refacing existing sign.

#### CHAIRMAN REPORT

Training hours for members as of 1/1/11 is as follows:

Kathy Jasinski - 20; Paul Marchese - 8.75; Paul McCullough - 20; Gordon Offhaus - 9.0; Lou Paganello - 4.0; and Don Partridge - 2.5.

Supervisor Post from the audience stated that he was impressed with the integrity the Board has shown on handling the Nathaniel Development project. A lot of time and effort has gone into this project and he applauds the Board.

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