

TOWN OF BATAVIA PLANNING BOARD
REGULAR MEETING APRIL 19, 2011

PRESENT: Chairman Kathleen Jasinski, Members Gordon Offhaus, Jeremy Liles, Lou Paganello, Paul Marchese, and Paul McCullough

ALSO ATTENDING: ZEO Bruce Gerould, Secretary Sharon White Town Supervisor Greg Post, Town Engineer Steve Mountain, Attorney Kevin Earl, Roger Muehlig, Tim Call, Tom Warth, County Legislator Ed DeJaneiro, City Councilperson Rosemary Christain, Lew Henning from Batavia Housing Authority, Dana and Diane Stringham and several neighbors from Stringham Dr and Violet Lane,

ABSENT: Members Don Partridge and Robert Rumble

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

MINUTES OF PUBLIC HEARING ON APRIL 5, 2011—CALL FARMS (MONROE TRACTOR) —7941 OAK ORCHARD RD—SPECIAL USE PERMIT

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

MINUTES OF PUBLIC PARTICIPATION ON APRIL 5, 2011—HOLIDAY INN EXPRESS—SEQR

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

MINUTES OF REGULAR MEETING OF APRIL 5, 2011

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

EMPIRE TRACTOR—5072 E MAIN ST RD—SPECIAL USE PERMIT
An application was submitted to obtain approval to operate a equipment sales, service and repair shop at the above location (former Mike Ognibene Car Dealership).

Genesee County Planning Dept. recommended disapproval due to the site plan that was submitted was not adequate for the use proposed, as it is the exact same one used for an auto dealership expansion submitted in 2003. For instance, the applicant should note that the site plan depicts a floor drain that appears to be connected to the septic system. This practice, also known as a shallow injection well, is no longer allowed by NYSDEC per their enforcement of the US Clean Water Act. This is of special concern, given the site's location on the aquifer that feeds the City of Batavia's public water supply wells and the lake at the DeWitt Recreation area. Improper handling of wastewater from the washing of farm equipment that handles pesticides and fertilizers could result in the contamination of a public drinking water supply and a recreational water body. The applicant is encouraged to resubmit a site plan that is specific to the use proposed and that clearly depicts the location of display, customer and employee parking.

Mr. Call stated that they propose to use the existing building with no changes except for a new wash pad for the equipment. The drainage across the back of the property needs to be addressed. Paul Marchese made a motion to approve the Special Use Permit subject to the Town Engineers approval. Seconded by Paul McCullough. Vote unanimous for approval.

Paul McCullough made a motion to declare the SEQR as a type II— not subject to review. Seconded by Gordon Offhaus. Vote unanimous for approval.

AMANDA LOWE—4140 VETERANS MEMORIAL DRIVE—SIGN PERMIT

An application was submitted to obtain approval for a sign above the door at the above location. This is a hair salon business by the name of Jagged Edges. Genesee County Planning Dept. recommended approval. Jeremy Liles made a motion to approve the application. Seconded by Lou Paganello. Vote unanimous for approval.

MARK TIEDMANN—MWT ARCHITECTURE—8360 COMMERCE DR—HOLIDAY INN EXPRESS

Town Attorney Kevin Earl asked the Board if they would table the application until the applicant has applied for a variance from the ZBA regarding access to the state highway. Lou Paganello made a motion to table the application. Seconded by Gordon Offhaus. Vote unanimous to table.

NATHANIEL DEVELOPMENT CORP.—VIOLET LANE—SEQR REVIEW

Chairman Jasinski read the responses received from the involved agencies on the possible change in the negative declaration for the project due to financing and the road extension onto Clinton St. Rd.

NYS DOT stated that these two issues would not change the SEQR. Genesee County Planning Dept. stated they would stay with the negative declaration.

Batavia Town Board stated they would entertain looking at a positive declaration.

Lou Paganello read a statement regarding he has never received answers to his questions about the developer and the project. Lou Paganello made a motion to recommend changing the SEQR to a positive declaration based on the two issues—financing and extension of road onto Clinton St. Seconded by Jeremy Liles. Vote was 4 yes and 2 no by Paul Marchese and Kathy Jasinski. Motion passed. Chairman Jasinski stated that the involved agencies will need to be notified again on the positive declaration.

ZEO REPORT

AG PARK—RESUBDIVISION—need to set public hearing. GCEDC and Oatka Milk will be invited to the next meeting to discuss the impact of the proposed yogurt factory that wants to build in the Ag Park. Paul McCullough made a motion to set Tuesday, May 3, 2011 at 7:30pm as the date and time for the public hearing. Seconded by Jeremy Liles. Vote unanimous for approval.

SJF CONSTRUCTION—E SAILE DR—ADDITION TO HANGER
Steve Ferry of SJF Construction appeared before the Board to obtain approval to add a 4,900 sq. ft. addition to the Peter Zeliff hanger at the Genesee County Airport. Genesee County Planning Dept. recommended approval subject to a lease agreement with the Genesee County Legislature and Peter Zeliff. Paul Marchese made a motion to approve the site plan subject to Town Engineers approval. Seconded by Gordon Offhaus. Vote unanimous for approval.

Gordon Offhaus made a motion to adjourn the meeting at 8:58 pm. Seconded by Jeremy Liles. Vote unanimous
For adjournment.

Respectfully submitted,

Kathleen Jasinski

Chairman

Sharon White

Secretary