

MAY 23, 2007
SPECIAL TOWN BOARD MEETING

Town Hall

7:00 P.M.

Councilwoman Michalak led the pledge to the flag.

Roll Call

Present: Supervisor Post
Deputy Supervisor Underhill
Councilwoman Michalak
Councilman Zambito

Absent: Councilman Gerace

Others

Present: Town Clerk Morasco

The Supervisor called the meeting to order at 7:07 P.M.

RESOLUTION NO. 89:

Supervisor Post offered the following:

RESOLUTION TO AUTHORIZE EXCHANGE OF
TOWN REAL PROPERTY LOCATED ON
VETERANS MEMORIAL DRIVE

WHEREAS, the Town of Batavia, New York (“The Town”) is the owner in fee of .243 acres of vacant land located on Veterans Memorial Drive in the Town of Batavia as shown on a Subdivision Plat Map entitled “Towne Center at Batavia”, prepared by Bergmann Associates (Drawing No. SM-01, dated 10/26/06 with last revised date of May 4, 2007), attached hereto as **EXHIBIT A**, and as more fully described in the attached **EXHIBIT B** entitled “Lands to be conveyed by the Town of Batavia to Cor Veterans Memorial Drive Company, LLC”, and

WHEREAS, said premises constitute a portion of a parcel acquired by the Town for a possible future extension of Richmond Avenue to Veterans Memorial Drive, and

WHEREAS, said future road extension has not yet been constructed nor is such extension expected to be constructed in the immediate future, and

WHEREAS, in order to construct said future road extension, additional land is necessary which the Town does not currently own, and

WHEREAS, COR Veterans Memorial Drive Company, LLC, (“COR”) is developing a Retail Center adjacent to the premises owned by the Town and is the owner of .435 acres of vacant land located along Richmond Avenue and extending west towards Veterans Memorial Drive as shown on a Subdivision Plat Map entitled “Towne Center at Batavia”, prepared by Bergmann Associates (Drawing No. SM-01, dated 10/26/06 with last revised date of May 4, 2007), attached hereto as **EXHIBIT A** and as more fully described in the attached **EXHIBIT C** entitled “Lands to be conveyed by Cor Veterans Memorial Drive Company, LLC to The Town of Batavia”, and

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WHEREAS, COR is willing to convey .435 acres of said land to the Town in exchange for the Town conveying .243 acres of land to COR Development for its use for the proposed Retail Center, and

WHEREAS, the Town obtained an independent appraisal from Shell Associates, and in a letter from Robert L. Shell to the Town Attorney, dated May 21, 2007, an opinion was rendered by said appraiser stating that the value of the lands to be exchanged on a per square foot basis are equal, and thereby, the Town will be obtaining a parcel with a net value of approximately \$14,325.00 more than the value of the lands to be transferred to COR, and

WHEREAS, based upon the foregoing appraisal, it has been shown that the Town is not making an impermissible gift to COR in value of the lands exchanged, but rather is obtaining a greater value in said exchange.

NOW, THEREFORE, BE IT RESOLVED that, subject to permissive referendum, Gregory H. Post, as Supervisor of the Town, and for and on its behalf, be and hereby is authorized to convey .243 acres of land, as described in the attached **EXHIBIT B**, to COR, in exchange for COR conveying .435 acres of land, as described in **EXHIBIT C**, to the Town for its use for a future road extension of Richmond Avenue to Veterans Memorial Drive, and

BE IT FURTHER RESOLVED that Gregory H. Post, as Supervisor of the Town, is hereby authorized to execute all documents that may be required to effectuate the conveyance and transfer of all right, title and interest of the Town in said property and to accept the conveyance and transfer of said land from COR to the Town.

Second by: Councilman Zambito
APPROVED by unanimous vote (4-0)

NOTICE OF ADOPTION OF RESOLUTION
BY THE TOWN OF BATAVIA, NEW YORK, TO EXCHANGE
PROPERTY, SUBJECT TO PUBLIC REFERENDUM

PUBLIC NOTICE is hereby given that the Town Board of the Town of Batavia, New York on the 23rd day of May, 2007, adopted a “Resolution to Authorize Exchange of Town Real Property Located on Veterans Memorial Drive”. Said Resolution is summarized as follows:

Subject to permissive referendum, the Town will transfer a parcel of land consisting of approximately .243 acres located on Veterans Memorial Drive to COR Veterans Memorial Drive Company, LLC (“COR”), to be exchanged for the transfer by COR to the Town of Batavia of a parcel of land consisting of approximately .435 acres located adjacent to Park Avenue. These parcels are more particularly described in a Subdivision Plat Map entitled “Towne Center at Batavia”, prepared by Bergmann Associates (Drawing No. SM-01, dated 10/26/06 with revised date of May 4, 2007).

PLEASE TAKE FURTHER NOTICE that this Notice represents only a summary of the adopted Resolution. Complete copies of the Resolution, as well as the Subdivision Plat Map referred to

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therein, are on file at the Office of the Batavia Town Clerk, located at 3833 West Main Street Road, in the Town of Batavia, New York, and are open for public inspection during regular business hours.

Dated: May 23, 2007
Batavia, New York

Teressa M. Morasco, Town Clerk
Town of Batavia, New York

RESOLUTION NO. 90:

Supervisor Post offered the following:

TOWN OF BATAVIA
SEQR - LEAD AGENCY RESOLUTION

SAILE DRIVE SANITARY SEWER MAIN CONSTRUCTION PROJECT

“RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Batavia hereby announces its intent to serve as lead agency to conduct an environmental review of a project to install public sewer improvements to serve property owners along East and West Saile Drive. In accord with the likelihood that the Town Board will serve as lead agent, the Board has prepared an Environmental Assessment of the significance of and potential environmental impact of the proposed project, as described below.

The project consists of approximately 6,000 linear feet of sanitary sewer main along East and West Saile Drive. Activities include the installation of sanitary sewer main, manholes, sanitary laterals, appurtenances, and surface restoration; and be it

FURTHER RESOLVED, the Town Board has determined that the proposed action is an unlisted action as defined under SEQR; and, be it

FURTHER RESOLVED, the Town Board will notify the Involved Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of the full Environmental Assessment Form, with Part 1 completed. The Town Board further declares that, based on the Environmental Assessment which has been prepared, it finds that the project will result in no significant damage to the environment. Therefore, the Town Board does not anticipate the preparation of an Environmental Impact Statement for the project. Further, the Town Board herewith states its intent to issue a Negative Declaration under SEQR for the project, pending review by Involved Agencies.

Second by: Councilman Zambito
APPROVED by unanimous vote (4-0)

ADJOURNMENT:

Motion Supervisor Post, second Councilman Zambito to adjourn the Special Town Board Meeting at 7:13 P.M.

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MOTION CARRIED by unanimous vote. (4-0)

Respectfully submitted,

Teresa M. Morasco
Town Clerk