

TOWN OF BATAVIA PLANNING BOARD  
REGULAR MEETING, APRIL 18, 2017, 7:00 P.M.

PRESENT: Chairman Kathy Jasinski, Members Gordon Offhaus, Jeremy Liles, Paul McCullough, Paul Marchese, Lou Paganello, and Jon Long.

ALSO ATTENDING: Steve Mountain, Bruce Gerould, Dan Lang, Secretary Brittany Witkop, Sharon White, Jodi Hunt of Tetra Tech for Forefront Power, Randy and Christine Bow, Daniel Band of Muckdog 1 Solar, Bruce Newton, George Newton, Jim Krencik of The Daily News, Ray Trotta of Holland Trotta for Home Depot.

Alternate member will vote as Don Partridge is absent.

MINUTES MARCH 21, 2017 PUBLIC HEARING MEETING

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

MINUTES APRIL 4, 2017 REGULAR MEETING

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

RANDY AND CHRISTINE BOW, ROUTE 63 SELF-STORAGE - ADDITIONAL UNITS, SITE PLAN REVIEW AND SEQR

The site plan is for two additional units, one 20 ft. x 150 ft., and another 10 ft. x 150 ft. The driveway and elevation information was given to the Town of Batavia for review. Per Bruce the units will sit on the west side of the parcel on the hill and they do conform to the lot. Tom Lichtenthal, Bruce Gerould and Randy Bow all met today to discuss proper drainage needed on the site. Genesee County Planning approved with modifications that onsite lighting be installed that does not shine directly on neighbors or towards motorists. Applicant is fine with this provision. Paul Marchese led the board through SEQR and made a motion to declare a negative declaration. Seconded by Gordon Offhaus. Vote unanimous for approval. Jeremy Liles made motion for approval of the site plan contingent on final engineering approval. Seconded by Jon Long. Vote unanimous for approval.

RAY TROTТА, VETERANS MEMORIAL DRIVE (HOME DEPOT DEVELOPMENT) - SITE PLAN REVIEW AND SEQR

The new development will be to the north of Home Depot. There has been a change in the proposal. The rear building will be a medical facility and may have multiple tenants. In the front building there will be a restaurant and one or two other tenants. Genesee County Planning approved with modifications. The applicant must complete a Stormwater Pollution Prevention Plan and recommends submission of the 9-1-1 address verification to the Genesee County Sheriff's Office. Paul Marchese led the board through the Full Environmental Assessment Form/SEQR and made a motion to declare a negative declaration. Seconded by Paul McCullough. Vote unanimous for approval. In regard to the site plan, Steve Mountain will request the traffic study and further discussion on sanitary sewer plans are necessary. Paul McCullough made a motion to approve the site plan contingent on final engineering approval. Seconded by Gordon Offhaus. Vote unanimous for approval.

MUCKDOG 1 SOLAR, PEARL ST. RD. - SET HEARING FOR SPECIAL USE PERMIT AND SEEK LEAD AGENCY FOR SEQR

The proposed location is off of Pearl Street Road, between Hartshorn and Hopkins Roads on 17.4 acres. The solar project will generate two mega watts of power that will be sold directly to local residents at 5-8% less than their utility rate. This amount of power can be used for 300-500 homes. The project should have no impact on traffic and there will not be on-site

lighting. They are willing to use a seed mixture to attract bees. A decommissioning bond will be required. Daniel Band states that the posts will be drilled 6-feet down and filled with cement. Per Dan Lang, as part of this project the applicant will have to do a land separation and parcel merge. Genesee County Planning gave approval with the following modifications:

1. Obtain State Historic Preservation Office documentation
2. Complete a Stormwater Pollution Prevention Plan
3. Submission of 9-1-1 address verification with the Genesee County Sheriff's Office

Lou Paganello made a motion to set a public hearing for the special use permit. Seconded by Paul Marchese. Vote unanimous for approval. The public hearing will be on May 16, 2017. Jeremy Liles made a motion to seek lead agency on SEQR. Seconded by Jon Long. Vote unanimous for approval.

#### STATE STREET ROAD AND OAK ORCHARD ROAD SOLAR FARM - SET PUBLIC HEARING FOR SPECIAL USE PERMIT AND SEEK LEAD AGENCY FOR SEQR

Jodi Hunt from Tetra Tech representing Forefront Power is here tonight to discuss the solar project. It will be on a parcel between State Street Road and Oak Orchard Road that is 11 acres. They will use a seed mixture to attract bees and no cement will be used for the post holes. A tree buffer will be necessary on State Street Road. The power that this project generates has been spoken for per Forefront Power and Jodi is not privy to that information. There is a gravel driveway on this parcel that will be utilized. Paul Marchese made a motion to set a public hearing for the special use permit. Seconded by Jeremy Liles. Vote unanimous for approval. The public hearing will be on May 16, 2017. Paul McCullough made a motion to seek lead agency on SEQR. Seconded by Gordon Offhaus. Vote unanimous for approval.

#### DISCUSSION WITH BRUCE NEWTON REGARDING PROPOSED DEVELOPMENT ON MILL ROAD ALONG TONAWANDA CREEK

Many years ago the property was farmed. It is currently zoned commercial. Mr. Newton has concerns about what he will and will not be able to do on his property once the Comprehensive Plan is approved. He is also concerned because for future land use, his land is listed as parks and recreation. He states that the proposed Comprehensive Plan is more restrictive than others (e.g. DEC-Wetlands). Per Dan Lang, development should be kept out of the 100 foot flood plain. Any new developments have to meet Federal Emergency Management Agency (FEMA) requirements and Town zoning regulations. Mr. Newton is aware and has educated himself on FEMA. He would like to learn more as we go forward with changes because he needs to know his building/development options and restrictions. Per Steve Mountain, the town is looking at regulating and protecting. The proposed zoning in the Comprehensive Plan has to go through an approval process as well. The town does want to work with residents. Paul Marchese states that the town is trying to build in an environmentally conscious way and is looking at the long-term effects of what we do now and the impact they will have in the future. Kathy Jasinski told Mr. Newton that he is welcome at any of our meetings and she will be glad to send him our agenda via email.

#### MERCY EMS, CALL PARKWAY - CONSTRUCTION OF AMBULANCE FACILITY - SEEK LEAD AGENCY FOR SEQR

No representatives from EMS were present. To move forward, Paul Marchese made a motion to seek lead agency on SEQR. Seconded by Gordon Offhaus. Vote unanimous for approval.

#### FREIGHTLINER - SEEK LEAD AGENCY FOR SEQR

Per Dan Lang, just this afternoon he received their application, SEQR, and preliminary site plan. They are looking to build a facility on State Street Road across from Scalia's Landscape that would be used for repairs, sales and service. More information will be forthcoming. Lou Paganello made a motion to seek lead agency on SEQR. Seconded by Jeremy Liles. Vote unanimous for approval.

#### ZONING ENFORCEMENT OFFICER REPORT

Per Dan Lang, Area 51 has sent in a list of their racing dates. There haven't been any complaints, so the board will not request them to come in at this point. Kathy Jasinski will send the board members a list of the race dates.

Dan also reported that a commercial wind energy representative would like to talk with the board about turbine wind energy. Currently, Town of Batavia code does not allow for windmills/turbines.

#### CHAIRMAN REPORT

Per Kathy Jasinski, tomorrow night at 7 p.m. the Town of Batavia Board is holding a public hearing on the Comprehensive Plan. She encourages board members to attend.

Our next meeting will be on May 2, 2017 at 7 p.m.

Gordon Offhaus made a motion to adjourn the meeting at 8:40 p.m. Seconded by Jon Long. Vote unanimous for adjournment.

Respectfully submitted,

Brittany Witkop  
Secretary

Respectfully submitted,

Kathleen Jasinski  
Chairman