

TOWN OF BATAVIA PLANNING BOARD  
REGULAR MEETING MAY 19, 2015

PRESENT: Chairman Kathleen Jasinski, Members Gordon Offhaus, Jonathan Long,  
Jeremy Liles, Don Partridge, Paul McCullough and Paul Marchese

ALSO ATTENDING: ZEO Bruce Gerould, Secretary Sharon White,  
Town Engineer Steve Mountain, Eric Biscaro,  
Rosalie McGuire, Mike Nolan from Batavia Downs Gaming,  
Peter Savarino from Waterbourne Construction Advisors,  
Paul Toretta from CH4 Biogas, Bob Keiffer from Tylin  
International, Joe Jaszko, Cathy Jaszko and Jeffrey Price

ABSENT: Member Lou Paganello

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

BISCON CORP – 5220 CLINTON ST RD – SPECIAL USE PERMIT

An application was presented to obtain approval to construct two (2) residential buildings for multi family use in a commercial zone. A total of three (3) buildings will be on the property. Each unit will be approx. 1,250 sq. ft., two (2) bedroom with one and one half (1 ½) bath. The SEQR was declared a type 2 – unlisted action. 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 of the project.

Jeremy Liles made a motion to approve the Special Use Permit. Seconded by Gordon Offhaus. Vote unanimous for approval.

BAMMEL ARCHITECTS – BATAVIA DOWNS – 8315 PARK RD – HOTEL

Mike Nolan, Chief Operating Officer of Western Regional Off Track Betting, appeared before the Board to discuss the proposed plans for the eighty (80) room hotel. Before discussing the project, he said he wanted to thank the Town of Batavia for the extensive work the Planning Board and Zoning Board have put forth. It is greatly appreciated.

The only change in the plans since the previous meeting is that the first two floors of the hotel will attach to the grandstand. Previously the plans were for only the second story to touch the grandstand. All variances needed from the Zoning Board of Appeals were approved – lot size proposed 23,345 sq. ft., 40,000 sq. ft. required; frontage proposed 163.55 ft., 200 ft. required; front setback proposed 41.7 ft., 50 ft. required; rear setback proposed 0 ft., 50 ft. required; side yard setback proposed 6 and 10 ft., 30 ft. required; building height proposed 56.5 ft., 35 ft required. The SEQR was presented and reviewed.

Don Partridge made a motion to recommend the SEQR as a negative declaration. Seconded by Jonathan Long. Vote unanimous for approval.

Paul Marchese made a motion to approve the land separation. Seconded by Jeremy Liles. Vote unanimous for approval.

Paul Marchese made a motion to approve the site plan contingent on the filed easements and agreements meeting Town Engineers approval. Seconded by Gordon Offhaus. Vote unanimous for approval.

#### JEFFREY PRICE – 5509 JERICO RD – E BETHANY – SPECIAL USE PERMIT

Jeffrey Price appeared before the Board to obtain approval to operate a rough terrain off road obstacle course at the Genesee County Fairgrounds. This would be for 4x4 trucks on a one (1) acre by one (1) acre site directly behind the Country Max store. He is leasing the property from the fairgrounds. This will only be done during daylight hours.

Genesee County Planning did not offer any recommendations due to they needed more information. A public hearing is needed. Don Partridge made a motion to set Tuesday, June 2, 2015 at 7:30pm as the date and time for the public hearing. Seconded by Jonathan Long. Vote unanimous for approval.

#### CH4 BIO GAS – AGRI BUSINESS PARK – SITE PLAN & SEQR REVIEW

Paul Toretta from CH4 Bio Gas and Bob Keiffer from Tylin International appeared before the Board to give the member an update on the status of this project. The project will digest all food grade waste and will operate 24/7 365 days a year. This is an odorless organic waste used to produce electricity and heat. The plans are to pipe the gas directly to a factory. Three (3) possible sites are being considered. NYSERTA and GCEDC have given 3.5 million toward the 15-20 million dollar project. Genesee County Planning recommended approval of the project. They would like to have their own well on site as they do not want to use city water due to the chlorine. The Agri Business Park is zoned Industrial Park but this project maybe considered manufacturing in which case a rezone would be needed. A SEQR for the Agri Business Park has been done. If this project falls under the same criteria that was projected in the draft environmental impact statement for the park then there would be no problem. But if any of the thresholds are exceeded then a supplemental EIS would be needed. The criteria being traffic, number of employees, odor, wellhead protection and etc.

Mr. Keiffer and Mr. Toretta will return at a later date with the SEQR and more information.

#### AREA 51 MOTOCROSS – COMPLAINTS

Linda Tomporowski, Joe Jaszko and Cathy Jaszko appeared before the Board to voice their displeasure of the noise generated from Area 51 Motocross. Ms. Tomporowski lives directly in front of Area 51. She stated that the operation now runs seven (7) days a week from 7am until dusk. We have no relief or a break from the noise. She asked if the Special Use Permit could be modified. A sound barrier may help and modifying the race schedule would also be helpful. She played a recording for the Board so the members could hear the noise. It was recorded approx 200 ft from Area 51. Chairman Jasinski stated she would speak with Chris Mosier, owner of Area 51, to see what he can do to correct the situation.

#### ZEO REPORT

None

#### CHAIRMAN REPORT

A letter has been sent to the Town Board indicating the Planning Board's support of the proposed dog park.

Don Partridge stated that on June 20, 2015 Cornell Cooperative Extension will be holding a session on Weed Control & Vegetables. Different ways to grow vegetables without weeds.

Gordon Offhaus made a motion to adjourn the meeting at 9:12pm. Seconded by Jonathan Long. Vote unanimous for adjournment.

Respectfully submitted,

Kathleen Jasinski  
Chairman

Sharon White  
Secretary