

TOWN OF BATAVIA PLANNING BOARD MEETING
SEPTEMBER 20, 2016

PRESENT: Chairman Kathleen Jasinski, Members Paul McCullough, Paul Marchese, Jeremy Liles, Jon Long and Paul McCullough.

ALSO ATTENDING: Steve Mountain, Dan Lang, Greg Post, Bruce Gerould, Secretary Brittany Witkop, Sharon White, Chad Zambito, Jim Krencik of The Daily News, Mike Pettinella for The Batavian, Lee Shuknecht, Matt Geissler, and Dave Tufts for L&M Specialty Fabrication, Andrew Terragnoli, Sean Hopkins Esq., and Ash Patel for Oakfield Hospitality, Jerry Goldman, Paul Marfione, Cheryl Stulpin, Lindsay Weber, Sandy Gorie, Harry Kelly and Jess Sudol for Big Tree Glen/Conifer and Joseph Burke for land separation on Burke Drive.

ABSENT: Don Partridge, Gordon Offhaus and Lou Paganello

Jon Long, alternate will vote.

BRIEF COMPREHENSIVE PLAN STATUS DISCUSSION

The preliminary draft was given to board members to review. Sheila Hess and several board members did send in edits and suggestions that they would like reviewed and corrected. The fiscal analysis and renderings should be in by the end of September. If there are more edits or comments they should be submitted prior to our meeting on October 4, 2016. Kathy Jasinski asked Steve Mountain if it would be possible to have Matt Ingall's at our October 18, 2016, meeting if necessary. Steve said yes, if this is needed he will address it. Kathy also said there could be the need for a mid-week meeting and will keep the board posted if a date is set. Kathy and Dan Lang will get together in mid-October to make sure the Comprehensive Plan public open house on November 8, 2016, is all set at the town polling locations.

MINUTES OF THE PUBLIC HEARING ON AUGUST 16, 2016

Jon Long made a motion to approve the public hearing minutes as submitted. Seconded by Paul Marchese. Vote unanimous for approval. Paul McCullough absent at the time of this motion.

MINUTES OF THE AUGUST 16, 2016, PLANNING BOARD MEETING

Jeremy made a motion to approve the minutes as submitted. Seconded by Jon Long. Vote unanimous for approval. Paul McCullough absent at the time of this motion.

OAKFIELD HOSPITALITY, SEAN HOPKINS ESQ., FAIRFIELD INN SITE PLAN REVIEW

Andrew Terragnoli, Sean Hopkins Esq., and Ash Patel were present. Dan Lang gave a recommendation for approval of the site plan based on current easements being left unaffected. Sean Hopkins Esq., said the 18 foot easement will cause the project to shift, but that everything else will remain the same. He said that if they need further subdivision they will come back before the board to go through the approval process. A traffic analysis and study by the Department of Transportation has been completed and Route 98 North will remain as is with little impact. Paul Marchese made a motion to approve the site plan, which was seconded by Jon Long. Vote unanimous for approval. Paul McCullough absent at the time of this motion.

L&M SPECIALTY FABRICATION, LEE SHUKNECHT AND DAVE TUFTS, SITE PLAN REVIEW AND SEQR

Lee Shuknecht, Matt Geissler, and Dave Tufts were present. Genesee County Planning gave approval with two modifications; signage be in conformance with Town of Batavia's zoning regulations and obtain documentation from the State Historic Preservation Office (SHPO) as to the project's impact on archaeological resources. Per Dave Tufts the adjustment has been made and submitted to SHPO. The Town Planning Board also completed SEQR, Short Form, Part II. Paul Marchese made a motion for a negative declaration on SEQR Part II, which was seconded by Jeremy Liles. Vote unanimous for approval. In regard to site plan review, the proposal is a 21,000 sq. ft. building, with no need for variances. The driveway will be located on East Saile Drive. There is a possibility of a 14,000 sq. ft. addition in the future. At this point, there are no landscaping plans. Steve Mountain will handle all engineering requirements that must be met and if the applicant is interested they can discuss sewer options. Jeremy Liles made a motion to approve contingent on engineering requirements being met, seconded by Paul Marchese. Vote unanimous for approval. Paul McCullough abstained from this motion and vote.

LAND SEPARATION - JOSEPH BURKE, 8157 STATE ST. RD., BATAVIA, NY
Per Bruce Gerould, the property is Tax Map No. 9.-1-126.1. The applicant, Joseph Burke is requesting to separate just under one acre of his property to build a new home. The proposal meets all zoning requirements. A motion was made by Paul McCullough to approve the separation and seconded by Jon Long. Vote unanimous for approval.

KAY JEWELERS/MOELLER SIGN COMPANY

Genesee County Planning gave approval as the sign poses no significant impact. Per Dan Lang the applicant currently has two signs and plans to remove one of them and replace it with an illuminated cabinet sign, which is fully compliant. Motion made by Paul Marchese to approve the sign and seconded by Jeremy Liles. Vote unanimous for approval.

EAST SAILE PROPERTIES LLC, BUILDING ADDITION, SITE PLAN REVIEW AND SEQR

Genesee County Planning gave approval as the proposed shop addition poses no significant impact. Location is 4736 East Saile Drive., Batavia. The proposal is a 2,936 sq. ft. addition to the existing building for a wash bay. Per Steve Mountain SEQR is not necessary as this addition is less than 4,000 sq. ft. Motion made by Jeremy Liles as a Type II action, SEQR not required and seconded by Jon Long. Vote unanimous for approval. Dan Lang did point out that this property is in a wetlands, but the Army Core of Engineers has given approval. Motion made by Paul McCullough to approve the site plan and seconded by Jon Long. Vote unanimous for approval.

BIG TREE GLEN - CONIFER, DISCUSSION ON PHASE I & II

Phase I - Town of Batavia Planning Board concerns

From Big Tree Glen, Phase I, the question of how are applicants screened was answered by Sandy Gorie. She said they use CoreLogic SafeRent, but since they recently had a sex offender that was able to slip through this screening process and rent from them, they have changed their practices. The sex offender was notified and did vacate the premises. Conifer still uses CoreLogic SafeRent, but the report is reviewed by Conifer's Property Management Team and then it is sent to the Compliance Department to do a second verification. At this

time, upon lease renewal further background checks and updates are not being performed, but there are lease provisions that allows Conifer to address violations and enforce eviction. Generally, evictions are a 30-day turn around time and in the worse case scenario it can take a few months.

The Planning Board also requested information on Genesee County Sheriff calls to respond to Big Tree Glen. Per Paul Marfione the following five calls were made and responded to:

1. A person on the apartment grounds that should or shouldn't be there.
2. A traffic accident in front of the development.
3. A possible drug deal that later turned into a report about an unsupervised child on the property.
4. A question of someone possibly doing drugs on premises, who later turned out to be clean and free of drugs.
5. A stolen bike.

Income restrictions have been another concern the Planning Board asked to be addressed in regard to Phase I. The board's perception of this project was that it was for middle income residents/families. However, per Harry Kelley and the Fair Housing Act, asking questions with respect to what type of people and children are allowed to rent can be a violation of the this act. Conifer did state that from Phase I, they have 34 units at 50% of the AMI and 22 units at 60% of the AMI. Within these 56 units, there are 116 residents. Households are certified annually and if there is a salary increase the rent can be adjusted.

Worries have been expressed about pedestrian traffic walking down Route 5 due to no sidewalks and the speed of traffic. Conifer said that they use RTS busing and survey residents for transportation needs. They also provide all renters with information on how to get transportation services as well. There is no plan for side walks at this time.

Another measure Conifer takes to ensure residents have the services they need on-site is to have a maintenance worker available with an average turn-around time of 48 hours. Maintenance requests are tracked and reviewed.

Phase II

Per Paul Marfione for Big Tree Glen Phase II, the Area Median Income (AMI) is \$64,500 at 100% for a family of four. For Phase II, they will have 50% of the apartments at 90% of the AMI, 30% at 60% of the AMI, and 20% at 50% of the AMI. Eligibility will vary based on if the renter(s) is 1 person, couple, or family.

The Planning Board would like to be sure going forward that income requirements are clear for Phase II so that more residents will qualify. The problem is that housing has to be offered to all people that qualify, and we can not specify by group (e.g. elderly, children, single, family). Jess Sudol did state that for Big Tree Glen Phase II, Conifer will go through another review process with Steve Mountain. The plan is to extend the infrastructure for an additional 40 units. They are considering a playground or a bike trail around the complex. Further details will forthcoming.

ZONING ENFORCEMENT OFFICER REPORT - Dan Lang and Bruce Gerould

1. Koolatron will be meeting with the Town Zoning Board of Appeals for variances and then they will meet with Genesee County Planning.

2. Batavia Downs may want to put up a search light. The town will request that they provide a letter from aviation prior to installation.
3. Dan is looking to close out Oatka's warehouse expansion soon.
4. The Hotel at Batavia Downs is close to being complete, with a time frame of 3-4 weeks.

CHAIRMAN REPORT

Kathy reports that she has given all members the information for the Fall 2016 Regional Planning Workshop, which is on November 16, 2016, at the Quality Inn, Batavia, in their packet tonight. This would be a good way to get the hours you need. Our next meeting will be October 4, 2016, at 7 p.m.

Sharon White stated that the Batavia Town Board is working on the budget.

Jon Long made a motion to adjourn the meeting at 8:50 p.m. Seconded by Paul Marchese. Vote unanimous for adjournment.

Respectfully submitted,

Brittany Witkop
Secretary

Kathleen Jasinski
Chairman