

TOWN OF BATAVIA PLANNING BOARD  
REGULAR MEETING, MAY 16, 2017, 8:30 P.M.

PRESENT: Chairman Kathy Jasinski, Gordon Offhaus, Don Partridge, Paul McCullough, Lou Paganello, and Jon Long

ALSO ATTENDING: Steve Mountain, Bruce Gerould, Dan Lang, Secretary Brittany Witkop, Sharon & Paul White, Tim Ahrens of Forefront Power and Jodi Hunt of Tetra Tech, Jim Krencik for The Daily News, John Battaglia of Ensol, Project Engineer for Fleet, Debbie Gawron, President of Fleet, Sydney Clark, Employee of Fleet, Dan Compitello of Cypress Creek Renewables for Muckdog Solar, Don Young Esq. for Muckdog Solar, Mike Stanton, Muckdog Solar Project Manager, David Ciurzynski of Manning, Squires and Hennig for Mercy EMS, Steve Tanner and Bill Schutt for Mercy EMS. Also several member of public attended and a sign-in sheet was passed around. Some of the public signed and others would not. Most of the public left once the regular meeting began.

ABSENT: Members Paul Marchese and Jeremy Liles

Alternate member will vote.

MINUTES MAY 2, 2017 REGULAR MEETING

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

**FOREFRONT POWER - SOLAR FARM - CONSTRUCT AN 11 ACRE SOLAR FARM ON OAK ORCHARD/STATE STREET ROAD, BATAVIA - DECLARE LEAD AGENCY, SEQR REVIEW AND SITE PLAN APPROVAL**

Phase 1A and 1B, archaeological survey was done. Shovel tests did not reveal anything. The information will be sent to the State Historic Preservation Office. Jon Long made a motion to declare lead agency. Seconded by Lou Paganello. Vote unanimous for approval. Don Partridge led the board through SEQR, Short Form, Part II and made a motion for a negative declaration. Seconded by Gordon Offhaus. Vote unanimous for approval. In regard to the special use permit and site plan, per Dan Lang, they must be contingent upon a decommissioning bond that is approved by Andrew Meier, Esq. The board agreed. Genesee County Planning did give approval for the special use permit. Paul McCullough made a motion to approve the special use permit which was seconded by Jon Long. Vote unanimous for approval. Gordon Offhaus made a motion for site plan approval which was seconded by Don Partridge. Vote unanimous for approval.

**MUCKDOG SOLAR LLC - SOLAR FARM, CONSTRUCT AND OPERATE A 17.4 ACRE SOLAR FARM ON 2901 PEARL STREET ROAD, BATAVIA - DECLARE LEAD AGENCY, SEQR REVIEW AND SITE PLAN APPROVAL**

Dan Compitello of Cypress Creek Renewables for Muckdog Solar, Don Young Esq. for Muckdog Solar, and Mike Stanton, Muckdog Solar Project Manager are here tonight to meet with the board. Lead Agency was declared by Don Partridge, but withdrawn. This will be done at our next meeting in June. Also, per Don Young, attorney for Muckdog Solar LLC, he would like us to hold off on SEQR until thirty days has passed. The board agreed and will only look at the site plan tonight. For this project, they must make a conforming parcel and they need 300 foot of road frontage. There is an access road, but they would need an access road to go through the wetlands to get to Muckdog II. This is state wetlands per Steve Mountain. Only a small portion of the wetlands would be disturbed. They must work with Town Engineers on this access road through the wetlands. Per Dan Lang, parcels must be merged and lot lines will need adjustment.

Muckdog I and II are about the same size, 14 acres and will have a shared driveway. Per Steve Mountain, "Was Muckdog II in the initial SEQR?" Per Dan Lang, no. Per Steve, SEQR has to be under one project because there is only one access point, so there will be two parcels on one SEQR. This is the best way to do it as one. Dan Lang suggested that Muckdog Solar representatives meet with the town next week to discuss the project in more detail.

**FLEET MAINTENANCE INC. - CONSTRUCT AND OPERATE A 44,280 SQ. FT. BUILDING FOR TRUCK SALES AND SERVICE OFF OF STATE STREET ROAD, BATAVIA - SEQR REVIEW, LAND SEPARATION AND SITE PLAN DISCUSSION**

John Battaglia of Ensol, Project Engineer for Fleet, Debbie Gawron, President of Fleet, Sydney Clark, Employee of Fleet are here tonight to meet with the board. Per John Battaglia, the water issue in this area should be less by managing the storm water. New York State actually requires proof of reduction of water/flooding impact when you propose a project such as this. Gordon Offhaus made a motion to declare lead agency which was seconded by Paul McCullough. Vote unanimous for approval. Don Partridge led the board through SEQR, Short Form, Part II and made a motion for a negative declaration. Seconded by Jon Long. Vote unanimous for approval. Tom Lichtenthal said that State Street Road will be fine with the new traffic. However, can they have signs that say truck entrance ahead? Steve Mountain said they can apply to the state and see what they decided. How about a lower speed limit? Per Steve, it would be the same process, apply to the state. What about a no jake break law? It might mean that a local law would be necessary.

**MERCY EMS - SEQR REVIEW, LAND SEPARATION AND SITE PLAN APPROVAL**

David Ciurzynski of Manning, Squires and Hennig, Steve Tanner and Bill Schutt are here tonight for Mercy EMS. Don Partridge made a motion to declare lead agency which was seconded by Jon Long. Vote unanimous for approval. Don Partridge led the board through SEQR, Short Form, Part II and made a motion for a negative declaration. Seconded by Gordon Offhaus. Vote unanimous for approval. A land separation is necessary to take one parcel and split it into three; each about 2 acres. Mercy EMS will be the middle parcel. Don Partridge made a motion to approve the land separation. Seconded by Lou Paganello. Vote unanimous for approval. Paul McCullough made a motion for site plan approval contingent on road completion and final engineering approval. Seconded by Don Partridge. Vote unanimous for approval.

**ZONING ENFORCEMENT OFFICER REPORT**

Per Dan Lang, in regard to Fleet, he wants the board to note that there would not be a public hearing if a hotel wanted to build on the same parcel on State Street Road. There would be more traffic and the hotel would not need a special use permit based on the way the area is zoned. He does understand the residents concerns, but the applicant is working hard to mitigate any foreseeable issues. There are pros and cons. We will continue to look at this before deciding.

Per Steve Mountain, Biogas is presenting to GCEDC on June 1, 2017 and we will probably hear from them soon.

**CHAIRMAN REPORT**

Per Kathy Jasinski, we will go to Summer hours and will meet again on June 20, 2017 at 7:30 p.m.

Gordon Offhaus made a motion to adjourn the meeting at 9:55 p.m. Seconded by Jon Long.  
Vote unanimous for adjournment.

Respectfully submitted,

Brittany Witkop  
Secretary

Kathleen Jasinski  
Chairman  
Respectfully submitted,