

**TOWN OF BATAVIA
ZONING BOARD OF APPEALS AND PLANNING BOARD
PUBLIC HEARING
MARCH 21, 2006**

**RE: SOUTHWORTH MILTON CAT – EAST SAILE DRIVE - AREA
VARIANCE**

Chairman Gary Diegelman called the public hearing to order at 7:05 PM. The notice, as published in the Batavia News was read by the Chairman. The purpose of the public hearing is to obtain approval for an area variance for Southworth Milton Cat and approval for a special use permit to allow a facility for heavy equipment in an Industrial Zone.

**JOHN DAVIS, GENERAL SERVICE MANAGER FOR THE STATE OF
NEW YORK, SOUTHWORTH MILTON CAT**

There was a lengthy explanation made by the representatives of Milton Cat to the public as to what and where they are planning on building and the nature of the business.

Mike Pullinzi, ZBA member asked about the noise level this would have on the surrounding area. According to Milton Cat representative he said there would be less noise then the thruway has now.

Gary Diegelman opened the public hearing to any questions the residents may have.

Bennett Heights Association – asked what type of buffer zone was going to be used.

Mary Grace Demarse- 4414 South Bennett Heights – she is concerned with any water runoff that would increase the water level where she resides.

Jill Halpin – 4403 North Bennett Heights- is concerned with all the dirt that will be removed to build this structure.

Rick Lang – 4427 North Bennett Heights- is not in favor of having burms in his back yard as a buffer. If trees were to be planted as part of the buffer he hoped that somewhat mature trees would be used. He does not want a chain-linked fence across is back yard.

Gary Diegelman asked about the elevation of the building. Is the building much higher than the houses on North Bennett Heights? How much buffer is needed for the residents not to see the building? Milton Cat said the approximate height would be 30' and the residents would see the top of the building until the trees matured.

Micki Torcello – 4431 North Bennett Heights- concerned with water problem near her home. Since the storm drain has been placed in Bennett Heights the swamp is full and questioned whether this was going to affect elevation of the water in the swamp? Andy Schneider stated they would have to meet the DEC requirements. They cannot increase run off onto your property. DEC has very stringent storm water quality and quantity discharges. The amount of water that exits from that site and heads towards the swamp right now, they cannot increase that amount. Ms. Torcello expressed that this has been a Town problem for quite some time.

Terry McCormick - 4421 South Bennett Heights- expressed that any changes north of Bennett Heights could have an impact on the drainage flow. He stated that the town has not made a serious effort to remedy the drainage area. Mr. McCormick is asking the town to seriously address this. Gary Diegelman, on behalf of the ZBA, stated that the issue at hand is the 300' land use buffer once the parcels are combined and where this meets your property line.

Rick Lang- 4427 North Bennett Heights- is concern with the 300' buffer zone on his east property line tapering in to 150' and the maintenance of the buffer zone.

Jill Halpin – 4403 North Bennett Heights- is concerned with the storage area. She does not want it to look like a junkyard. Ms. Halpin asked what type of lighting is going to be used? Milton Cat said that the lighting is not intended to be retail enticing like a car dealership. It is simply for safety and security.

Dave Franky–4423 North Bennett Heights- asked what the hours of operation are. Milton Cat responded that the typical day is a first shift (7am-5 pm) and a second shift (3-11). There will not be a lot of activity outside the building after 5pm. He questioned the height of the building? Milton Cat representative said it is 30' high but not all one level. It has low and high points and is a very attractive building. Mr. Franky had a concerned that adding burms may be an added problem to the drainage problem. He would like Milton Cat to take a look, when they are deciding on what type of trees to use as a buffer, as to what is already growing there. He would like to see them add to what is already there. He does not want to see row upon row of ever greens that would form a wall behind the houses and would rather see ever greens dispersed with shrubs and trees. A natural look rather than a forced plantation.

Jeff Hyatt – 7997 State Street- is concerned that there isn't a buffer zone shown for State Street and questioned whether there a plan for a buffer zone? Milton Cat is planning on a buffer zone for State Street.

Susan Greening - 4428 North Bennett Heights-stated that the majority of the residents are in favor of the business and are looking forward to not having to fight the junkyards that may try to come in the area.

7973 State Street – is concerned with the acre between him and his neighbor that Milton Cat may want to use as an alternate driveway. Milton Cat says they do not plan on doing anything with that land.

Jill Halpin- 4403 North Bennett Heights - when would ground be broken, how long would it take and when would the trees be planted? Milton Cat stated they have a lot more approvals to go through and really can't say when the actual date of construction will start. Once everything is approved it should take approximately 18 months to construct. The planting of the trees would all depend on when they can start construction.

When no further comments or opinions were expressed, the public hearing was closed at 7:54pm.

Respectfully Submitted,

Gary Diegelman
ZBA Chairman

Kathy Jasinski
Planning Board Chairman

Sandra Baubie
Secretary