

**TOWN OF BATAVIA
ZONING BOARD OF APPEALS
PUBLIC HEARING
APRIL 18, 2006**

**RE: DON PARTRIDGE-4957 ELLICOTT STREET- AREA VARIANCE-
NUMBER AND HEIGHT OF TOWERS**

Chairman Gary Diegelman called the public hearing to order at 6:56 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 the number and height of wind towers. The wind towers would serve the purpose of converting wind power to energy used on his farm.

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

Phillip Privatera – Earth’s Energy Store, Leroy- Mr. Privatera is working with Mr. Partridge. He stated that they are looking at putting up 2-3 wind towers. Mr. Worthington was concerned as to where on the parcel of land that the wind towers would be placed. Mr. Diegelman also stated that the placement of these towers needs to be at least 135’ away from the adjoining parcels. Mr. Privatera stated that the towers would definitely be 135’ away from the adjoining parcels.

There was a lengthy explanation as to how big these towers are and what exactly the towers are going to be used for.

Mr. Diegelman received some other comments regarding the towers. One was from Mr. Mosicki from Shepard Road. Mr. Mosicki is in Florida and unable to attend this meeting. He is against this project because it would hamper the esthetic view in the area and his concern is Mr. Partridge is asking for 3 what about the next guy that wants 4 or 5 at 150’ high. Where is the line being drawn for this matter?

Mr. Diegelman received a letter from Eric Bascaro who is a neighbor of Mr. Partridge. He has talked to Mr. Partridge about the height, size and location of the purposed windmill. He is fine with it.

Mr. Diegelman received a letter from Terry Miller of Oak Orchard Road in Albion. He erects “windmills”. His windmills are not power generated ones. The ones he erects aerate ponds. His concern is when we call things wind mills they don’t all generate power. There are different types.

Mr. Worthington and Mr. Diegelman are concerned as to what is a system. Is a system one tower, 2 towers or more? The systems are only allowed in ag/res zone and the primary use is for farm operation. There was a lengthy discussion as to how many towers would make a system.

Mr. Pullinzi asked if there was anything in the code that talks about the minimum square footage needed to put a system on a property. Mr. Worthington explained that NYSEG has a set back of the length of the tower. It cannot cross the property line if the tower fails. The systems are only allowed in ag/res zone and the primary use is for farm operation unless a special use permit is issued.

David Hopkins- 4877 Ellicott Street Road- Mr. Hopkins asked for clarification of how big and where the towers are going to be placed. Mr. Diegelman explained what Mr. Partridge wants to do with the towers and the size of them.

When no further comments or opinions were expressed, the public hearing was closed at 7:20pm.

Respectfully Submitted,

Gary Diegelman
ZBA Chairman

Sandra Baubie
Secretary