

**TOWN OF BATAVIA
ZONING BOARD OF APPEALS
PUBLIC HEARING
MARCH 15, 2010**

**RE: NORTHSTAR HOUSING DEVELOPEMENT –VIOLET LANE-
AREA VARIANCE**

Chairman Gary Diegelman called the public hearing to order at 6:55. The notice, as published in the Batavia News was read by the Chairman. The purpose of the public hearing is to obtain approval for a side and front yard setbacks.

Chairman Diegelman explained that since the Town of Batavia Planning Board held their public hearing for Northstar the developer has since sent a correspondent to the town requesting perspective boards to table their request. This information was received last week and due to time restraints we were unable to send out notices to cancel the public hearing. It is our intention for this meeting to honor the request from Northstar to table the variance request. At this time the Town is not aware of any future plans for the area and if there are future requests for area variances for this project this board will be notifying the area residence of those requests.

Mr. Diegelman introduced the attorney for Northstar, Jim Bonsignore, for anyone that has any questions or short comments on this matter.

Mr. Bonsignore explained that they (Northstar) are trying to incorporate all the comments and concerns that he has heard at the Planning Boards public hearing. In doing so, they are revisiting the project and taking a look at some alternatives but is not in a position at this time whether or not they are going to continue with the plan as proposed or doing something as an alternative. So what we are requesting is before the Town engages in the State of Developmental Quality Review that they need to do for the project and before we get into any additional public hearings and waste either the town's various boards time and or your time we have asked that these applications be tabled. Which basically means they are taken off the agenda for the time being until we can determine which way we are going to take the applications. We are keeping this application and site plan and special permit application open for the time being in the event that we simply modify the existing plan or we wish to proceed with the plan as originally proposed. We are not withdrawing the application. The applicant is still committed to this project and it is just a matter of how it's going to go forward. At this point, we can't make a determination as how we are moving forward. We would like to sit down with the various boards and staff to discuss some alternatives, review the code and see if we can come up with a possible alternative that would be acceptable to everyone. Unfortunately, we are not sure how that process is going to play out. We are formally asking that this application be tabled

for the time being. At this time, I will try and answer any questions or concerns from the residents.

Rick Tepedino, 8496 Stringham Drive, asked if the environmental study would have to be done before Northstar resubmits the application. Mr. Diegelman stated that, yes; a SEQR would have to be done before the ZBA could act on it. Attorney, Jim Bonsignore, also stated that they will be doing a long form SEQR if they do move forward with project.

Karen D'Aurizio, 8435 Stringham Drive, asked if there is any time limit with this request as to when the applicant needs to make a decision as to what they are doing or not doing with it? And are the residents purvey to any of the meetings when Northstar and the Town (boards) meet to discuss this project? Are the agendas available to look over prior to the meeting?

Jeff Anders, 8429 Stringham Drive, asked the attorney if it is sill their contention that this is not low income housing. Attorney had no comment.

Gordon Merrell, 5003 Clinton St Rd, asked how much money from this housing unit is going to stay in the Town of Batavia.

Dave Ball, 8464 Stringham Drive, asked if there was a time limit on this project. Mr. Diegelman stated there is not a time limit on this application.

Nancy Palermo, 8500 Stringham Drive, asked what the area is zoned and what the comprehensive plan says. Mr. Diegelman and Mr. Worthington explained how the comprehensive plan relates to the zoning of certain areas and also how special use permits are handled.

Jim Palermo, 8500 Stringham Drive, when Northstar comes in and represents their project will it be a special meeting and how will that work? Mr. Diegelman stated that it would basically a workshop for the ZBA and Town Board members to get a feel for what's happening with them. Mr. Palermo also asked the ZBA to be consistent with their decision making and to keep in mind that the current residents are very passionate about what happens to the surrounding area they live within.

Scott Wolff, 8482 Violet Lane, asked if this land was zoned for single and double family homes and with what Northstar wants to do would they need a special use permit. Mr. Worthington explained what a special use permit is used for and how it would apply to this certain project.

Karen D'Aurizio, 8435 Stringham Drive, asked if the special use permit has been granted to Northstar. Mr. Diegelman advised her that is was not. She also asked how the County Planning Board and ZBA interact with each other. Mr.

Worthington explained how County Planning Board works and what happens when it the proposal gets back to the Town.

Ms. Hamel, 8530 Stringham Drive, stated that this is not the original plan that was proposed to Dana Stringham and would like to know what the original plan was. The attorney did not know what was originally proposed.

Dana Stringham, 5007 Clinton St Rd, stated that this company was not the original people that approached him with this proposal.

Michelle Spiotta, 8484 Stringham Drive, has concerns with the traffic flow

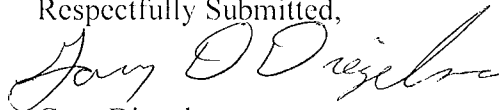
Chairman Diegelman advised that he has received numerous emails and letters in the mail from residents protesting this project and strongly asking us (ZBA) to deny it.

Mr. and Mrs. Marchioli, 5020 Terry Hills Drive, wants to know how many people, who are against this project, it will take to get it out of the area. Is it at all important to the Town that all the residents are saying "no" to this proposal from Northstar? Mr. Diegelman explained that we listen to everyone's comments and concerns but we still need to hear the applicant's proposal as well and make the best possible decision based on all the facts we receive.

Joseph Raphael, 8428 Stringham Drive, questioned what the process was regarding ZBA and Town Planning Board. Mr. Diegelman and Mr. Worthington touched briefly on the process and how many people were on the Planning Board.

When no further comments or opinions were expressed, the public hearing was closed at 7:35 pm

Respectfully Submitted,



Gary Diegelman
ZBA Chairman



Sandra Baubie
Secretary