

**TOWN OF BATAVIA
ZONING BOARD OF APPEALS
PUBLIC HEARING
JANUARY 18, 2011**

RE: MARK TIEDMANN (MWT ARCHITURE) - 8360 COMMERCE DRIVE – AREA VARIANCE

Chairman Gary Diegelman called the public hearing to order at 6:53 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 maximum height of a structure.

Mr. Tiedmann was not present at this public hearing. Chairman Diegelman explained that they want to construct a four story hotel and they want to propose a height for 59.78'. The maximum height allowed by Town zoning ordinance is 40'. The request is for almost a 20' height variance.

Mr. Diegelman opened the public hearing to anyone who may have questions or concerns with the variance request.

Tom Worth, attorney for the area hotels, stated that the location of the proposed hotel involves a use variance rather than an area variance. He believes that what they are doing requires a use variance for not fronting the building on an accessed State Highway. Bruce Gerould, Town Building Inspector, explained that the variance was granted for the existing hotel a while back, which is owned by the same people and is not needed for this proposed project because it is on the same lot. As for the height, Mr. Worth stated that this park is intended for industrial and commercial uses. The purpose is for properties that are typically not accessed from the main highway and serviced by an internal road system are intended for uses within the industrial park and also intended to blend commercial and enclosed industrial uses thus maximizes the development potential and encourages land uses that would compliment rather than detract from one another. Mr. Worth feels with another hotel there it would be making it more prominent for retail/hotel use and not what the Town law requires and that is involved with the height variance.

Vibsu Joshi, owner of the Days Inn and Super 8, stated his doesn't see any justification as to why this proposed request cannot live with the 40' height. He feels as though this location is loaded with hotels and the area cannot support more hotels. He does not see why this new hotel needs 80 rooms rather than 40-50 rooms like the rest. Mr. Joshi thinks this will have a negative impact on the surrounding hotels.

Richard Lewis, Manager of Travel Lodge, stated that the owner of this property has invested a substantial amount of money into this property to increase their business. If you look at occupancy, rates, and the additional rooms it would have a significant impact on the surrounding hotels.

Ed Dejanaro, 104 River Street, feels the additional rooms with the proposed construction would give the existing hotels further hardship. He believes that the existing hotel owners feel that the new hotel has an unfair advantage by building on a shovel ready piece of land.

When no further comments or opinions were expressed, the public hearing was closed at 7:25 pm.

Respectfully Submitted,



Gary Diegelman
ZBA Chairman



Sandra Baubie
Secretary