

**MINUTES
TOWN OF BATAVIA
ZONING BOARD OF APPEALS
PUBLIC HEARING
OCTOBER 16, 2017**

**RE: TIMOTHY GLEBA-3726 SOUTH MAIN STREET ROAD -AREA
VARIANCE**

Chairman Gary Diegelman called the public hearing to order at 6:45pm. 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 half acre farm pond needing an area variance for side lot line.

Mr. Timothy Gleba was present and explained he would like to develop a half acre pond for agriculture and educational purposes. He is requesting an area variance for a 30' side yard setback where 100' set back is required.

John Riley, 3884 South Main Street Road expressed his concerns with the placement of the pond. Would like other areas of Mr. Gleba's property considered or a smaller pond so it wouldn't be so close to the property line.

Dominic Garofalo, 3692 South Main Street Road, expressed his disapproval of the pond.

Mike Garofalo, 3684 South Main Street Road, expressed his concerns with the pond creating the abutting properties to flood.

Mr. Diegelman received a letter from Alfred McVay, 3700 South Main Street Road, objecting to the pond being dug in the location being presented.

When no comments or opinions were expressed, the public hearing was closed at 7:03pm.

Respectfully Submitted,


Gary Diegelman

ZBA Chairman


Sandra Baubie

Secretary



GENESEE COUNTY
SOIL & WATER CONSERVATION DISTRICT
USDA Center, 29 Liberty Street, Suite 3, Batavia, NY 14020-3247
OFFICE (585) 343-2362 Ext. 5



July 6th 2017

Tim Gleba
3726 South Main St.
Batavia, NY, 14020

Tim,

We recently inspected a proposed pond site on your property. The location for your pond appears to be an adequate location. We recommend that test pits be dug to determine the exact soil type and whether adequate ground water is available, this will help determine if the area is suitable for pond construction. We advised that it may be logical, but not required, that you construct a smaller test pond in the desired location to determine if the soil can retain surface water or produce ground water for the pond before full scale construction of the pond occurs.

As far as affecting the surrounding lands, there does not seem to be any problems. Army Corps of Engineers does have wetlands on the property. The proposed pond site appears to be outside the boundaries of the Federal wetlands. These wetlands need to be avoided (See Attached Map). A permit is required to construct a pond within Federal and NYS wetlands.

This letter can be used as part of your application for a pond construction permit from the Town. Remember, you have to follow all Town Zoning requirements for pond construction.

Any other questions- feel free to call.

Tim Welch, Technician

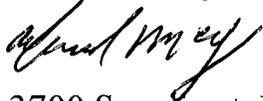
A handwritten signature in black ink, appearing to read "Tim Welch".

SEP 05 2017

To whom it my concern:

I'm addressing Tim Gleba's proposed pond site. I have concerns of the water from the pond draining onto my property. After talking to the town, I found that the pond elevation is ten feet above my property. When the water soaks into the ground it will come towards my property. I just spent \$20,000 in waterproofing my basement, and raised the front and side yard to keep the spring water runoff away from my house. I have more concerns of stagnant water. I feel the pond is a bad idea in the location proposed. I'm writing this letter because I will be out of town during the town hall meetings.

Thank you,
Alfred Mcvay

A handwritten signature in black ink, appearing to read "Alfred Mcvay". The signature is written in a cursive style with a large, sweeping initial "A".

3700 S. main st. Rd.
Batavia, NY 14020