

**MINUTES  
TOWN OF BATAVIA  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
FEBRUARY 16, 2010**

PRESENT: Chairman Gary Diegelman, Members, Andrew Young, John Della Penna and Jeanette Gallant (serving as an alternant member)

ALSO ATTENDING: ZEO Clint Worthington and Secretary Sandy Baubie

ABSENT: Mike Pullinzi and Pete Call

**MINUTES OF PUBLIC HEARING ON NOVEMBER 16, 2009 FOR GEORGE DISANTO- AREA VARIANCE**

Andrew Young made a motion to approve the minutes as submitted. Seconded by John Della Penna. Motion carried by unanimous vote (4-0).

**MINUTES OF PUBLIC HEARING ON NOVEMBER 16, 2009 FOR ANDREW YOUNG- AREA VARIANCE**

John Della Penna made a motion to approve the minutes as submitted. Seconded by Gary Diegelman. Motion was carried by unanimous vote (4-0).

**MINUTES OF REGULAR MEETING ON NOVEMBER 16, 2009**

John Della Penna made a motion to approve the minutes as submitted. Seconded by Gary Diegelman. Motion was carried by unanimous vote (4-0).

**MINUTES OF SPECIAL MEETING ON JANUARY 18, 2010 TO SET A PUBLIC HEARING FOR RICHARD KING –AREA VARIANCE**

John Della Penna made a motion to approve the minutes as submitted. Seconded by Gary Diegelman. Motion was carried by unanimous vote (4-0).

**RICHARD KING –2649 PEARL ST RD- AREA VARIANCE**

An application was presented to obtain approval for an area variance pertaining to required frontage for lot for property. Mr. King would like to separate the land with the barn from the property his house sits on. 75' is required and there is only 48' plus a 47' easement granted by the neighbor for original house construction. Mr. King has created a permanent ingress/egress easement for perpetual access to the home site as well as the barn site. Therefore, requesting the area variance for a purposed land separation.

Gary Diegelman read the dis-approval from County Planning. County Planning feels it may pose significant impact upon public safety in the area by not allowing direct access from a public right away.

There was a lengthy discussion regarding the lack of frontage and how it would affect the future use of this property. John Della Penn made a motion that the matter of Mr. King be tabled until the March meeting, as the board needs to look further into the situation. Seconded by Andrew Young. Motion was carried by unanimous vote (4-0).

**RE: NORTH STAR HOUSING DEVELOPMENT-VIOLET LANE- AREA VARIANCE**

Mr. Diegelman wants to set a public hearing for March 15, 2010 at 6:45 pm at the request of North Star Housing Development for 3 area variances. John Della Penna made a motion to set a public hearing at the request of North Star Housing Development. Seconded by Andrew Young. Motion carried by unanimous vote (4-0).

John Della Penna made a motion to adjourn the meeting at 7:30pm. Seconded by Andrew Young

Respectfully submitted,



Gary Diegelman  
Chairman



Sandra Baubie  
Secretary

**TOWN OF BATAVIA  
ZONING BOARD OF APPEALS  
PUBLIC HEARING  
FEBRUARY 16, 2010**

**RE: RICHARD KING – 2649 PEARL ST RD- AREA VARIANCE**

Chairman Gary Diegelman called the public hearing to order at 7:00PM. The notice, as published in the Batavia News was read by the Chairman. The purpose of the public hearing is to obtain approval for frontage for lot for property

Mr. King was present to explain that he has constructed a pole barn on the 23 acres of land he owns. He would like to separate the land with the barn from the property his house sits on. 75' is required and there is only 48' plus a 47' easement granted by the neighbor for original house construction. Mr. King has created a permanent ingress/egress easement for perpetual access to the home site as well as the barn site. Therefore, requesting the area variance for a purposed land separation.

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

When no further comments or opinions were expressed, the public hearing was closed at 7:05 pm

Respectfully Submitted,



Gary Diegelman  
ZBA Chairman



Sandra Baubie  
Secretary