

**MINUTES  
TOWN OF BATAVIA  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
JULY 19, 2010**

PRESENT: Chairman Gary Diegelman, Members, Mike Pullinzi, John Della Penna , Jeanette Gallant, and Pete Call

ALSO ATTENDING: ZEO Clint Worthington and Secretary Sandy Baubie

MINUTES OF PUBLIC HEARING FOR CHRIS SUOZZI ON JUNE 23, 2010

Mike Pullinzi made a motion to approve the minutes as submitted. Seconded by John Della Penna. Motion carried by unanimous vote (5-0).

MINUTES OF REGULAR MEETING ON JUNE 23, 2010

John Della Penna made a motion to approve the minutes as submitted. Seconded by Mike Pullinzi. Motion carried by unanimous vote (5-0).

**JEFFREY FRENS-3475 PEARL ST RD- AREA VARIANCE.**

An application was submitted to obtain approval for an area variance to construct a sign for his business.

Mr. Diegelman read the disapproval from County Planning.

There was a lengthy discussion as to the size and placement of the sign. The board discussed reducing the size and maybe looking at a new location for the sign so that cars passing by would have a better chance of seeing it.

Mr. Diegelman made a motion to table this application until Mr. Frens comes up with another design and location for his sign. Seconded by Pete Call. Motion carried by unanimous vote (5-0).

**RAY NICHOLS-2720 PEARL ST RD- AREA VARIANCE**

An application was presented to obtain approval for an area variance for a rear lot line setback.

Mr. Diegelman read the approval with modifications from County Planning. County Planning is fine with this request as long as there is not going to be any outside storage allowed.

Mike Pullinzi made a motion to approve the area variance for Mr. Nichols as requested. Seconded by Pete Call. Motion carried by unanimous vote (5-0).

**Old Business**

**LARRY RIEGEL, 3644 WEST MAIN ST RD, AREA VARIANCE**

Mr. Diegelman brought back to the table, Larry Riegel's request of a front yard setback. Larry Riegel, 3644 West Main St Rd, made his old garage into a room for his mother-in-law and would like to construct a new garage in front of the old one. He has cut down his request from 36' to 24' in length thereby increasing the setback. This construction will not interfere with the

underground utilities. Mr. Diegelman went out to Mr. Riegel's home and has determined that there is plenty of room for vehicles to turn around in the driveway and see oncoming traffic without any problem.

This is a Type 2 Action and is not reviewable for SEQR. John Della Penna made a motion to approve this Type 2. Seconded by Gary Diegelman. Motion carried by unanimous vote (5-0).

Gary Diegelman made a motion to approve the 24' addition for a garage to the front of residence. Seconded by John Della Penna. Motion carried by unanimous vote (5-0).

**GARDNER ESTATES – NORTHSTAR**

Gary Diegelman made a motion to bring back to the table the Gardner Estate Area Variance request. Seconded by John Della Penna.

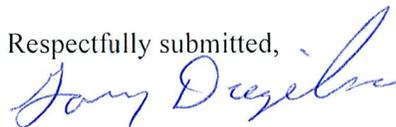
Mr. Diegelman read a letter of intent from Gardner Estates formally withdrawing the prior request. As far as the ZBA's concern, the plan that has been put forward from Gardner Estates will not require the ZBA's approval.

Mr. Diegelman made a motion that the application for Gardner Estates be withdrawn from the ZBA's table per their request. Seconded by John Della Penna. Motion carried by unanimous vote (5-0).

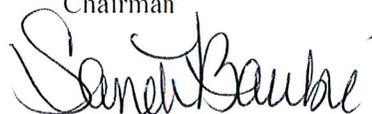
No New Business

Gary Diegelman made a motion to adjourn. Seconded by Mike Pullinzi

Respectfully submitted,



Gary Diegelman  
Chairman



Sandra Baubie  
Secretary