

**MINUTES
TOWN OF BATAVIA
ZONING BOARD OF APPEALS
REGULAR MEETING
NOVEMBER 14, 2011**

PRESENT: Chairman Gary Diegelman, Members, Andrew Young, Pete Call, John Della Penna and Brittany Witkop (alternate that is voting).

ABSENT: Member Mike Pullinzi

ALSO ATTENDING: Town Engineer, Steve Mountain, Dan Lang, and Secretary Sandy Baubie

MINUTES OF PUBLIC HEARING ON AUGUST 29, 2011 FOR PALM ISLAND WATER PARK,
PARK RD-AREA VARIANCE

Andrew Young made a motion to approve the minutes as submitted. Seconded by Pete Call. Motion carried by unanimous vote (5-0).

MINUTES OF PUBLIC HEARING ON AUGUST 29, 2011 FOR MONROE TRACTOR 7941 OAK
ORCHARD- AREA VARIANCE

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

MINUTES OF REGULAR MEETING ON AUGUST 29, 2011

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

MINUTES OF SPECIAL MEETING ON NOVEMBER 1, 2011 CALL FOR PUBLIC HEARING RE:
GCEDC (PROJECT WAVE)

Pete Call made a motion to approve the minutes as submitted. Seconded by Brittany Witkop. Motion carried by unanimous vote (5-0).

GCEDC (PROJECT WAVE)-AG BUSINESS PARK- AREA VARIANCE

An Application was submitted for two area variances. The first area variance request is for a height variance and the second request is for the size of parking spaces. Chairman Diegelman read the approval from County Planning.

Pete Call requested a run through of the time line of the project. Mr. Mountain, town engineer, explained that they are looking at three process lines and then in three years go to six process lines and finally going to ten process lines within ten years. At that point, they are looking at building the 120' cube. The cube is based on maximizing storage. The time line for startup is 2013. The last phase, 16 process lines, by year 2033.

There was some discussion on the tanks. The tanks do meet the current code. The different heights on tanks are 16 at 50', 2 at 65' and 2 at 77'. Brittany Witkop commented that all these tanks are below OATKA's tallest tank. Alpina, a company within this Ag Park, has similar tank heights.

An environmental impact study under the State SEQRA was performed when the Ag Park was established. The Town of Batavia Planning Board acted as lead agency on this project, known as Project Wave. The Planning Board declared a negative impact declaration.

John Della Penna made a motion to approve the height variance with the consideration of buffers. Seconded by Pete Call. Motion was carried by vote (4-0). Andrew Young recused himself from the vote do to his involvement with the GCEDC.

The second area variance request is for the size of parking spaces. The Town ordinance requires 10x20 and Project Wave would like the spaces to be 9x18. There was a short discussion regarding other area parking spaces. Chairman Diegelman read the County Planning approval.

Brittany Witkop made a motion to approve the area variance as requested. Seconded by Pete Call. Motion was carried by vote (4-0). Andrew Young recused himself from the vote do to his involvement with the GCEDC.

OLD BUSINESS

Mr. Diegelman discussed that COR put in a request for a variance for 0 frontage for an internal lot in front of Target on Veterans Memorial Drive on April 16, 2007. Because the ZBA did not get any additional information regarding this, the board tabled this matter. Chairman Diegelman requested that we bring this back to the table and dismiss this request.

John Della Penna made a motion that we bring this request by COR, made in April 2007, back onto the table for discussion. Seconded by Pete Call.

This discussion is that the board did not receive any more information and would like to dismiss COR's variance request.

Pete Call made a motion to dismiss the variance request. Seconded by Andrew Young. Seconded by Pete Call. Motion was carried by unanimous vote (5-0).

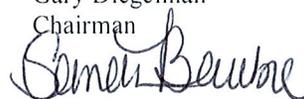
NO NEW BUSINESS

Pete Call made a motion to adjourn the meeting at 7:35pm. Seconded by Andrew Young.

Respectfully submitted,



Gary Diegelman
Chairman



Sandra Baubie
Secretary