

**TOWN OF BATAVIA
ZONING BOARD OF APPEALS
PUBLIC HEARING
NOVEMBER 19, 2012**

RE: TIM HORTONS –8400 LEWSTON ROAD – AREA VARIANCE

Chairman Gary Diegelman called the public hearing to order at 6:57 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 a side yard setback.

Bob Bender-4455 Transit Road Williamsville explained that they would like a side yard setback of 15' 7" where 25' is required. The side yard setback is on the Rite Aid store side.

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

Joe Spataro, 4160 West Main Street Road, is concerned with the traffic that Tim Horton's is going to create.

Robert Ziegler, 8930 Donahue Road, is concerned with the traffic also.

Lisa Ace, 4126 Colonial Boulevard, is concerned with the amount of traffic and how it will affect Colonial Boulevard.

Chairman Diegelman explained that this public hearing is only for the area variance not about the traffic. He explained that they would need to appear at the planning board meeting and state their concerns regarding the traffic.

When no further comments or opinions were expressed, the public hearing was closed at 7:10 pm.

Respectfully Submitted,



Gary Diegelman
ZBA Chairman



Sandra Baubie
Secretary