

**MINUTES  
TOWN OF BATAVIA  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
AUGUST 19, 2013**

PRESENT: Chairman Gary Diegelman, Members, Mike Pullinzi, Donna Morrill and Brittany Witkop

ABSENT: Andrew Young and John Della Penna

ALSO ATTENDING: ZEO Dan Lang and Secretary Sandy Baubie

**MINUTES OF PUBLIC HEARING FOR JOSH EVERETTE ON JULY 15, 2013**

Brittany Witkop made a motion to approve the minutes as submitted. Seconded by Mike Pullinzi. Motion carried by unanimous vote (4-0).

**MINUTES OF PUBLIC HEARING FOR ~~DAVID~~ DAVID WALTHER ON JULY 15, 2013**

Brittany Witkop made a motion to approve the minutes as submitted. Seconded by Donna Morrill. Motion carried by unanimous vote (4-0).

**MINUTES OF REGULAR MEETING ON JULY 15, 2013**

Gary Diegelman made a motion to approve the minutes as submitted. Seconded by Brittany Witkop. Motion carried by unanimous vote (4-0).

**RE: DAVID MORRILL- 8434 STRINGHAM DRIVE- AREA VARIANCE**

An application was submitted to obtain approval for an area variance pertaining to a front yard setback. 100' is required 86' is being submitted.

There was a lengthy discussion regarding the front yard setback and not having 20,000 square foot to construct a 2 family dwelling. There were several letters received from the area residents that oppose this request that was taken into consideration. The board feels that there is a remedy to the hardship that has been created.

Gary Diegelman made a motion to disapprove the application as submitted.

Seconded by: Mike Pullinzi

Ayes: Brittany Witkop

Abstain: Donna Morrill

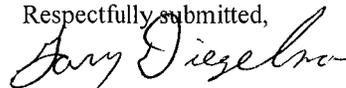
Motion carried

NO OLD BUSINESS

NEW BUSINESS- Tim Horton's has submitted site plans with revisions which will go to the Planning Board.

Mike Pullinzi made a motion to adjourn the meeting at 7:35. Seconded by Gary Diegelman.

Respectfully submitted,



Gary Diegelman  
Chairman



Sandra Baubie  
Secretary