

**MINUTES
TOWN OF BATAVIA
ZONING BOARD OF APPEALS
SPECIAL MEETING
MARCH 28, 2013**

PRESENT: Chairman Gary Diegelman, Members, John Della Penna, Mike Pullinzi, Brittany Witkop and Donna Morrill (voting)

Absent: Secretary Sandy Baubie and Andrew Young

Mike Pullinzi made a motion to call back the tabled item for Batavia Beach LLC. Seconded by John Della Penna.

Chairman Diegelman mentioned Batavia Beach LLC has made some changes. Batavia Beach LLC representative explained their new plan. They are now requesting instead of a 0' lot line they are asking for a 5' lot line variance along with the 10' front yard setback.

Chairman Diegelman re-read the County Planning approval with the modifications including that the front yard setback should be no closer to the road than the existing building located adjacent to Rite Aid, the applicant shall obtain an easement access to the neighboring property and they will need to place gutters onto the building.

John Della Penna made a motion to recognize that this is a Type 2 SEQR and there is no further review required. Seconded by Donna Morrill. Motion carried by unanimous vote (5-0).

Mike Pullinzi made a motion that we approve the request for a 10' front yard setback and a 5' side yard setback to the Rite Aid side. Seconded by Brittany Witkop. Motion carried by unanimous vote (5-0).

Gary Diegelman made a motion to adjourn the meeting at 5:20pm. Seconded by Brittany Witkop

Respectfully submitted,



Gary Diegelman
Chairman



Sandra Baubie
Secretary