

**TOWN OF BATAVIA
ZONING BOARD OF APPEALS
REGULAR MEETING – May 15, 2023 – 7:00 P.M.**

Pledge of Allegiance was said.

PRESENT: Chairman John DellaPenna, Keith Boeheim, William Sutton, Michael Dana, Judy Cotton and Chris Long.

ALSO ATTENDING: Alecia Kaus of Video News Service, Brian Quinn of the Batavia Daily News and Secretary Kim McCullough.

ABSENT: Michael Pullinzi.

Alternate Member(s): Chris Long will participating in discussions and will be voting. Judy Cotton will be participating in discussions only.

The Chairman asked the members when making a motion or seconding a motion state your name and if you are making a motion or seconding a motion.

March 20, 2023 – ZBA Public Hearing Minutes.

Michael Dana made a motion to approve the ZBA Public Hearing Minutes.

Seconded by William Sutton.

No additions or corrections.

Motion carried by unanimous vote.

March 20, 2023 – ZBA Meeting Minutes.

William Sutton made a motion to approve the ZBA Meeting Minutes.

Seconded by Michael Dana.

No additions or corrections.

Motion carried by unanimous vote.

New Business:

Daniel Miles – 3478 South Main St. Rd., Batavia NY 14020.

Set Public Hearing for June 19, 2023.

Mr. Miles is requesting an area variance – he would like an 8-foot rear setback for an accessory structure, 30-foot setback is what is allowed within the Town of Batavia.

Chris Long made a motion to set the public hearing for June 19, 2023

Seconded by William Sutton.

Motion carried by unanimous vote (5-0).

Daniel Miles – 3478 South Main St. Rd., Batavia NY 14020.

John Della Penna stated a motion needs to be made in order to recognize that this is a Type 2 SEQR.

Michael Dana made a motion to recognize this is a Type 2 SEQR.

Seconded by Chris Long.

Motion carried by unanimous vote (5-0).

Genesee Biogas LLC, W Ag Park Dr., Batavia NY 14020.

Set Public Hearing for June 19, 2023.

Requesting an area variance, the building code allows for 40-foot tanks and they are requesting two 83.5-foot tanks.

William Sutton made a motion to set the public hearing for June 19, 2023.

Seconded by Michael Dana.

Motion carried by unanimous vote (5-0).

Genesee Biogas LLC, W Ag Park Dr., Batavia NY 14020.

John Della Penna stated a motion needs to be made in order to recognize that this is a Type 2 SEQR.

William Sutton made a motion to recognize this is a Type 2 SEQR.

Seconded by Keith Boenheim.

Motion carried by unanimous vote (5-0).

Old Business: None.

William Sutton made a motion to adjourn the meeting at 7:07 pm.

Seconded by Keith Boenheim.

Motion carried by unanimous vote.

Respectfully submitted,

Kim McCullough
ZBA Secretary

John DellaPenna
Chairman