

**TOWN OF BATAVIA
ZONING BOARD OF APPEALS
REGULAR MEETING – June 19, 2023 – 7:00 P.M.**

New Payroll System training was held at 6:30 pm to 7:00 pm.

Pledge of Allegiance was said.

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

ALSO ATTENDING: Daniel Miles, Melissa Franklyn Genesee Biogas, Sara Gilbert of Pinewoods Engineering, Matt Mahaney Code Enforcement Officer, Alecia Kaus of Video News Service, and Secretary Kim McCullough.

ABSENT: None.

Alternate Member(s): Both Judy Cotton and Chris Long will participating in discussions only. They will not be voting.

Public Hearing – Daniel Miles – The Chairman called the Public Hearing to order at 7:01 pm – Minutes for the Public Hearing entered separately.

Public Hearing – Genesee Biogas LLC – The Chairman called the Public Hearing to order at 7:08 pm – Minutes for the Public Hearing entered separately.

May 15, 2023 – ZBA Regular Meeting Minutes.

Michael Dana made a motion to approve the ZBA Regular Meeting Minutes.

Seconded by William Sutton.

No additions or corrections.

Motion carried by unanimous vote.

New Business:

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

Chairman Della Penna asked for a motion to be made to approve this area variance.

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.

Michael Pullinzi made a motion to approve the area variance.

Seconded by Keith Boeheim.

Motion carried by unanimous vote (5-0).

Daniel Miles – 3478 South Main St. Rd., Batavia NY 14020 – Type 2 SEQR.

Chairman 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 William Sutton.

Motion carried by unanimous vote (5-0).

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

Chairman Della Penna asked for a motion to be made to approve this area variance.

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

Michael Pullinzi made a motion to approve the area variance.

Seconded by Michael Dana.

Motion carried by unanimous vote (5-0).

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

Chairman Della Penna stated there is no SEQR attached to this because it is in an industrial park and the county takes care of that SEQR.

Old Business: None.

Michael Dana made a motion to adjourn the meeting at 7:18 pm.

Seconded by William Sutton.

Motion carried by unanimous vote.

Respectfully submitted,

Kim McCullough
ZBA Secretary

John Della Penna
Chairman