

**TOWN OF ALLEGANY ZONING BOARD OF APPEALS
MONDAY, APRIL 2, 2012**

Present

John Jones, Chairman
Joe Chamberlain
Ron Kyser
Carol Ozzella
Don Sue
Carolyn Hemphill, Secretary

Absent

None

Public Hearing: The public hearing was opened at 7:00 pm by Chairman Jones to hear the variance request from Jeff & Cecilia Chouinard to place a sectional home on a five acre parcel of land that does not have the required 100' road frontage that is required by Article IV Section 4.03 of the Town's Zoning Ordinance II. Mr. Chouinard explained that he and his wife were purchasing the parcel that was being split from a larger piece of property owned by his father. He explained that there would be no way to obtain the required 100' road frontage. There is an access driveway that leads to other properties in the area that would be used to gain entrance to the Chouinard property. One of the Board's main concerns was emergency vehicle access to the residence. Mr. Chouinard assured the Board that the access road was able to accommodate emergency vehicles and he will be building a sixty foot wide driveway that will be more than adequate to handle emergency vehicles. After many questions from the Board and many scenarios discussed, Joe Chamberlain made a motion to close the public hearing at 7:35 pm. Carol Ozzella seconded the motion. Chamberlain-aye; Ozzella-aye; Jones-aye; Sue-aye; Kyser-aye. Motion carried.

Regular Meeting: The regular meeting was opened by Chairman Jones, with the salute to the flag at 7:35 pm. Carol Ozzella made a motion to accept the minutes of the March 5, 2012, as written, seconded by Ron Kyser. Ozzella-aye; Kyser-aye; Jones-aye; Chamberlain-aye; Sue-aye. Motion carried.

New Business: The Board discussed the Chouinard variance request at length. The following factors were considered:

- *Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties:* The Board unanimously agreed that there would not be any undesirable changes to the neighborhood or pose any detriment to nearby properties because other properties in the area have the same problem and the Chouinard property is a large enough so as not to effect the neighbors.
- *Whether the benefit sought by the applicants could be achieved by a feasible alternative to the variance:* The Board agreed that there is NO road frontage available so there are no alternatives.
- *Whether the requested variance is substantial:* The Board agreed that the request is substantial as the applicants are asking for the full 100' foot variance.
- *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:* The Board members all agreed that the variance would not have an adverse impact on either the physical or environmental conditions in the neighborhood.

- *Whether the alleged difficulty was self-created:* The Board agreed that because the property was family owned and the applicant's father wanted the property to stay within the family, the situation was NOT self-created.

The ZBA, after taking into consideration the above five factors finds that the benefit to the applicant does outweigh the detriment to the neighborhood or community and thereby agrees to grant the variance.

Joe Chamberlain made a motion to grant the variance request with the following conditions:

- 1.) The applicants must provide a deeded right-of-way to their five acre parcel (tax map # to be assigned) split from SBL# 93.003-1-17.1.
- 2.) The house must meet all other set back requirements per the Town's Zoning Ordinance II.
- 3.) A survey map (survey map # 5539-3) must be attached to this variance decision.

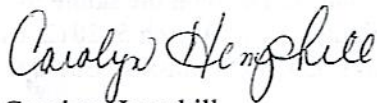
Don Sue seconded the motion. Chamberlain-aye; Sue-aye; Jones-aye; Kyser-aye; Ozzella-aye. Motion carried.

Old Business: The Board discussed their training options for the upcoming year. The majority agreed to do the NY Municipal Insurance Reciprocal Land Use Training Program for Local Officials & NY Planning Federation's test for their annual training. Board Secretary will make copies and distribute to Board Members.

Other Business: None

Carol Ozzella made a motion to adjourn the meeting at 8:25 p.m., seconded by Don Sue. Ozzella-aye; Sue-aye; Chamberlain-aye; Jones-aye; Kyser-aye. Motion carried.

Respectfully submitted,



Carolyn Hemphill
Secretary