

TOWN OF ALLEGANY ZONING BOARD OF APPEALS
MONDAY, August 5, 2013

Present

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

Absent

None

Regular Meeting:

The regular meeting was opened by John Jones, with the salute to the flag at 7:00 pm

Carol Ozzella made a motion to name John Jones as ZBA Chairman for 2013. Joe Chamberlain seconded the motion. Ozzella-aye; Chamberlain-aye; Kyser-aye; Sue-aye; Jones-aye. Motion carried. John Jones made a motion to name Joe Chamberlain as Vice-Chairman, seconded by Ron Kyser. Jones-aye; Kyser-aye; Sue-aye; Ozzella-aye; Chamberlain-aye. Motion carried.

Carol Ozzella made a motion to accept the minutes of the 6/4/12 meeting, as written, seconded by Don Sue. Ozzella-aye; Sue-aye; Chamberlain-aye; Kyser-aye; Jones-aye. Motion carried.

New Business:

Chairman Jones opened the floor to Mr. Todd Lovell who asked to speak to the Board concerning a variance that the Board granted Thomas Havers on May 2, 2011. Mr. Lovell stated that even though he had come to the public hearing for Mr. Havers and stated that his only source of heat for his home is with wood and that if the variance was granted to Mr. Havers to place his home where he was requesting to do so, the house would be right in line with where the smoke from Mr. Lovell's wood furnace sometimes travels. At the public hearing Mr. Havers stated that "the smoke would be no problem". Since then Mr. Havers has made numerous complaints to the DEC about the smoke. Mr. Lovell stated that since February the DEC has been trying to shut his wood furnace down. He reiterated to the Board that this is his only source of heat. He stated that he has had to hire lawyers and has gone to great expenses to try to rectify this situation. The Board asked Mr. Lovell what they could do to help. He asked that the ZBA pull the variance and make Mr. Havers move the house. Chairman Jones explained that once a variance was issued, the Board could not pull it. Mr. Lovell stated that he did not believe Mr. Havers followed the guidelines that were laid out in the conditions of the variance that was granted. Chairman Jones informed him that he would have to discuss that with the Town Code Enforcement Officer as the ZBA can only grant or deny variances, but it is up to the CEO to make sure all aspects of the variance are complied with. The Board sympathized with Mr. Lovell but felt the matter was out of their hands. They did agree to write a letter to DEC concerning the matter. Mr. Lovell asked that he be copied on the letter and that he receive a copy of the minutes from this meeting. Motion by Chamberlain to send the letter to DEC in reference to this issue and to copy both Mr. Lovell and Mr. Havers, seconded by Kyser. Chamberlain-aye; Kyser-aye; Ozzella-aye; Sue-aye; Jones-aye. Motion carried

Also present, was the Ferrucci Family. They stated that Mr. Havers had put up a post on the property line between their properties. They stated that if an emergency vehicle needed to get to

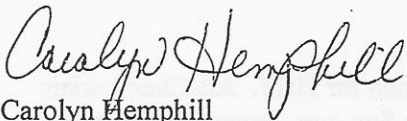
their property they could not make the swing into their driveway and would have to go up the road and turn around to enter their driveway. Again, the Board told them that the ZBA has no authority to handle this matter and suggested that they contact the Town's Highway Superintendent if they felt this post was on the road right-of-way.

Old Business: None

Other Business: None

Carol Ozzella made a motion to adjourn the meeting at 7:50 p.m., seconded by Don Sue. Ozzella-aye; Sue-aye; Kyser-aye; Chamberlain-aye; Jones-aye. Motion carried.

Respectfully submitted,



Carolyn Hemphill
Secretary