

TOWN OF ALLEGANY ZONING BOARD OF APPEALS  
Monday, January 4, 2016

Present:

John Jones, Chairman  
Joe Chamberlain  
Carol Ozzella  
Don Sue  
Ron Kyser  
Donna Stady, Secretary

Absent:

Also Present: Frank DeFiore, Planning Board Chairman  
Audience/Guest: Michael Droney

Salute to flag at 7:00 p.m.

**PUBLIC HEARING opened at 7:01 p.m**

- 1) Michael Droney has requested a variance to waive the requirement to construct a sidewalk connecting his building to the existing sidewalk on Route 417 in the Town of Allegany, New York. Mr. Droney advised that his site plan as provided to the Town was in error in that the architect had made several errors including the placement of a sidewalk connecting his building to Route 417 to comply with an overlay district requirement without feasibly determining if the sidewalk would fit in the allocation as indicated on the map. Mr. Droney advises that the potential grade is too steep and sidewalk would not meet the ADA requirements. Also there would need to be reconfiguration of power and water lines that would conflict with the sidewalk placement at this time.

Chairman Jones asks the public if they have any questions or comments:

Planning Board Chairman Frank DeFiore explains their board has no authority to grant a variance on this. As a condition of Mr. Droney's approval he was to be in compliance with the Route 417 overlay district. Mr. DeFiore advises the Board that the County of Cattaraugus recommends the sidewalk be installed. Discussion was held on what constitutes a sidewalk, what sidewalks are located at the building presently and what battles applicant would face putting in a sidewalk to meet the 417 overlay district requirements. Zoning board recognizes that the County of Cattaraugus is recommending that the sidewalk be installed. Zoning Board is permitted to override recommendations and form their own conclusion on whether a sidewalk should be installed or whether it would cause a greater harm to the public if such sidewalk is installed. Chairman Jones would like to see an elevation map for the facility if one is available.

Motion to close Public Hearing was made at 7:24 p.m. by Member Don Sue and seconded by Carol Ozzella. Ozzella-aye; Sue-aye; Chamberlain-aye; Kyser-aye; Jones-aye. Motion carried.

\*\*An out of sequence note – Board member Carol Ozzella makes a motion to elect John Jones as Zoning Board Chairman for 2016, seconded by Ron Kyser. All ayes. Town Board will be advised of nomination.

Regular Meeting: Meeting was opened by Chairman John Jones. August 3, 2015 minutes were reviewed. Joseph Chamberlain made a motion to accept the minutes of the August 3, 2015 seconded by Ron Kyser. Ozzella-aye; Sue-aye; Chamberlain-aye; Kyser-aye; Jones-aye. Motion carried.

Old Business: Board members inquire about a variance granted to Filjones (West Five Mile lot) perhaps in the year 2013 for a building lot permit. Board members request that Zoning Board secretary follow-up with the Board as they inquire on the status of such variance following the passing of one year since it was granted.

New Business:

Michael Droney Application #135-15 for Sidewalk variance. Board members hold another brief discussion regarding alternate placement of such a sidewalk on the Droney property and discuss what hardship property owner faces by installing and maintaining such a suggested sidewalk and further of the dangers the said sidewalk would present to the walking public due to its proximity to 417 (with snow being able to be plowed right over the sidewalk) and the grade of such a sidewalk. Board members complete “Area Variance Findings & Decision” forms.

Board Member Carol Ozzella makes a Motion to “Not require Mr. Droney to put in a sidewalk connecting his front entrance sidewalk to Route 417 as required by the 417 overlay district,” as per Town ordinance 4.14(E), Section (7)(b) motion seconded by Don Sue. Ozzella-aye; Sue-aye; Kyser-aye; Chamberlain – no; Jones- no.

Continued New Business – training for ZBA Board Members. A webinar has been recommended which takes place on January 12, 2016 from 6-8pm online. Copies have been given out to Board Members of the paperwork regarding the webinar. Chairman Jones inquires if Carol Horowitz or Wendy Tuttle would be able to host a seminar for the ZBA. Guest, Frank DeFiore, will inquire of Town Supervisor if Carol Horowitz (Town Planner) would be able to hold a seminar for ZBA to attend that would cover the training hours required of the Board.

Carol Ozzella made motion to close meeting seconded by Joseph Chamberlain. Sue-aye; Chamberlain-aye; Ozzella-aye; Kyser-aye; Jones-aye. Meeting adjourned 1/4/2016.

Sincerely,

Donna G. Stady  
Secretary/Recorder to Zoning Board for Town of Allegany