

TOWN OF ALLEGANY ZONING BOARD OF APPEALS
Monday, September 6, 2016

Present:

John Jones, Chairman
Carol Ozzella
Donald Sue
Ronald Kyser
Donna Stady, Secretary

Absent:

Also Present: Leslie Riehle, John Riehe and Michael Riehle (applicant)

PUBLIC HEARING opened at 7:00 p.m

Public hearing was opened with a salute to the flag.

The public hearing is held pursuant to a request by Michael Riehle. Mr. Riehle is requesting permission to construct a workshop at 1910 Schnell Road in the Town of Allegany. The structure would be within 40 feet of the road right-of-way where a 65 foot setback is required by Article IV Section 4.03 of the Town's Zoning Ordinance. Said parcel is known as SBI 93.003-1-3.1. Chairman Jones addresses the applicant, Michael Riehle, to describe for the Board and audience the particulars of the building request. Mr. Riehle displays a colored copy of map to the board describing why he cannot place the building at a different location on his property due to the poor ground conditions, an existing ditch and excessively wet ground in other areas on his property. The size of the building is proposed to be 30' x 52' and being 16 feet tall with two garage doors. Applicant advises that he did speak with Highway Superintendent, John Moshier, who verbally advised that he did not see any adverse reasons why the proposed construction should not be approved at this location. A map of the location will be made a part of said record for the Riehle matter.

Chairman Jones asks the public if they have any questions. Of note there are only two individuals in attendance and they are family members of applicant. It is further noted by Chairman Jones that Mr. Riehle owns the property on both sides of the Schnell Road proposed building location. Chairman Jones makes reference to the fact that the public hearing notice and documentation were sent to the City of Olean; however, a memo with an amended deposition is received on September 8, 2016 that the reference to the City of Olean was inadvertently included and should have been deleted. The memo and amended deposition will be part of the record.

Motion was made to close the Public Hearing at 7:11 p.m. by Carol Ozzella and seconded by Don Sue. Ozzella-aye; Sue-aye; Kyser-aye; Jones-aye. Motion carried.

Regular Meeting: Meeting was opened by Chairman John Jones at 7:11 p.m.

Review of minutes of Zoning Board meeting of August 15, 2016 are discussed. Motion to approve minutes as written was made by Board member C. Ozzella and seconded by member Ron Kyser. Kyser-aye, Sue-aye, Ozzella-aye and Jones-aye. Motion to accept minutes as written carried.

Old Business – None.

New Business – Riehle request for area variance. Chairman Jones advises that this is a Type II action with no SEQR being required. A very brief discussion is heard between the board members with no members having any further questions and agreeing that they are ready to complete their findings paperwork. Area Variance Findings and Decision forms are passed out to board. Forms are completed. Record of Vote is recorded with Ozzella-aye; Sue-aye; Kyser-aye and Jones-aye.

Motion is made by member Don Sue to grant Mr. Riehle an area variance which equates to 23 feet on the northern end and a 30 foot variance on southern end under Article 4, Section 4.03 as pertains to a 40 foot set back requirement from a Town roadway. Motion is seconded by Carol Ozzella. Record of Vote is recorded with Ozzella-aye; Sue-aye; Kyser-aye and Chairman Jones-aye. Variance is unanimously granted.

Miscellaneous Business: appointment of a vice chairperson for the Zoning Board of Appeals. Member Carol Ozzella nominates member Donald Sue to act as Vice Chairperson. Record of Vote is recorded with Ozzella-aye; Kyser-aye and Chairman Jones-aye for appointment of Donald Sue as Vice Chairman of the Zoning Board of Appeals. Member Sue accepts the nomination.

Other Business – Filjones application #66-13. Board members discuss placing time limits on future variances and reviewing former variances to amend how they were written. Board members are all in favor of leaving the Filjones application as is for the time being. Any future variances granted by the board for this location or any other location will have time limits on them for which applicant would need to take action by.

Board Member Carol Ozzella makes a motion to close meeting at 7:37 p.m., seconded by member Ron Kyser. Kyser-aye; Ozzella-aye; Sue-aye; Chairman Jones-aye.

Meeting adjourned 7:37 p.m. on 9/6/2016.

Sincerely,

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