

TOWN OF ALLEGANY ZONING BOARD OF APPEALS

Monday, July 11, 2016

Present:

John Jones, Chairman
Don Sue
Ron Kyser

Absent:

Carol Ozzella

Also Present: Frank DeFiore, Planning Board Chairman
Audience/Guests: Stephen Milley, Carol Ann Milley and Rita Bielinski

Salute to flag at 6:00 p.m.

PUBLIC HEARING opened at 6:01 p.m

- 1) Ryan N. Williams has requested an area variance at his residence at 2500 Five Mile Road Allegany, New York to construct a 30 foot by 17 foot workshop within the 15 foot zoning limit of a side property line.

It is noted that applicant Ryan Williams is not present at the public hearing.

Chairman asks the public if they have any questions. Chairman notes 24 notices were mailed out to surrounding neighbors regarding Mr. Williams' request. Of note there are only three individuals appearing in the audience for the public hearing (one individual arrives after public hearing is closed but is permitted to speak).

Stephen Milley and Carol Ann Milley of 2490 Five Mile Road each speak and advise of their favorable opinion of Mr. Ryan's proposed building. They each have no issues with the proposed construction.

Chairman asks that the survey by D. Michael Canada become a part of this proceeding. Survey shows the house being 38.5 feet from the property line. Applicant would need an 8 foot variance and a 3 foot variance.

Chairman asks that all of the attached sketches provided by the applicant also become part of this proceeding.

The trees/shrubbery on the existing property line are a topic of discussion.

Motion to close Public Hearing was made at 6:17 p.m. by Don Sue and seconded by Ron Kyser. Ayes are Don Sue, Ron Kyser and Chairman Jones.

Regular Meeting: Meeting was opened by Chairman John Jones at 6:20 p.m.

Zoning Board member Carol Ozzella is now present.

Member Don Sue made a motion to accept the minutes of the January 4, 2016 meeting seconded by Carol Ozzella. Ozzella-aye; Sue-aye; Kyser-aye; Jones-aye. Motion carried minutes approved as written.

Old Business: A variance was granted to property owner (Filjones) in 2015. Chairman Jones asks to review the file as no action was taken by the landowners on the granted variance and it is the Boards intention to retract the variance since a year has passed with no activity.

Also discussed is the need for some zoning board members to fulfill their necessary education requirements. It was inquired if Carol Horowitz could produce updated booklets/pamphlets that the board used in previous years to gain education credits.

New Business: Ryan N. Williams has requested an area variance at his residence at 2500 Five Mile Road Allegany, New York to construct a 30 foot by 17 foot workshop within the 15 foot zoning limit of a side property line. Applicant would need an 8 foot variance and a 3 foot variance. Chairman Jones asks if any board members would like to discuss the variance further or if any board members have any questions. Chairman and board members want the sketches provided to become a part of the proceeding to eliminate any issues with future landowners in the area and that the variance is confined to the sketches as to the location of the proposed construction.

Chairman Jones reads a letter from the County of Cattaraugus Board acknowledging that they have no issues with the proposed construction as a County highway borders the property. Said letter will also become a part of the proceedings. Chairman Jones advises that 24 letters went out to landowners and only three have appeared. This is a Type II action which does not require SEQR review. The Board completes Area Variance Findings and Decision Forms. (At this time Rita Bielinski appears in the audience and Chairman Jones acknowledges her presence and she speaks with her favorable comments about the construction proposed by Mr. Williams).

Board Member Don Sue makes a motion that the ZBA grants the minimum variance necessary under Article 4 Section 4.03 which equates to an 8 foot variance on the westerly end and a three foot variance on the easterly end with no conditions, motion 2nd by Member Ozzella. Record of Vote is Member Don Sue, aye; Member Carol Ozzella, yes; Member Ronald Kyser, yes; and Chairman John Jones, yes. Variance granted.

Member Carol Ozzella made motion to close meeting at 6:56 p.m. seconded by member Ron Kyser. D. Sue, aye; Ozzella-aye; Kyser-aye; Jones-aye.
Meeting adjourned 7/11/2016.

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