

Town of Allegany Zoning Board of Appeals
Public Hearing/Meeting Minutes
Monday, August 2, 2021 at 7:00 P.M.
Allegany Town Hall, 52 W. Main Street, Allegany, NY

APPROVED

Present:

John Jones, Chairman
Don Sue
Ron Kyser
Jeff Baxter
Kari Dugan, Secretary

Absent:

Carol Ozzella

Also Present:

Johannes Rosemann of Buffalo Geothermal, Jamie Buffamante, Christy Buffamante

Chairman Jones opened the meeting with the Pledge to the Flag at 7:00p.m.

New Business

Jamie Buffamante/Buffalo Geothermal, 3873 S. Nine Mile Rd. – 6’ Side Yard Setback Variance; 38’ Front Yard Setback Variance

This application is a request for setback variances, at 3873 S. Nine Mile Rd. The intent of the applicants is to install underground equipment for a Geothermal Heating and Cooling System. A letter of intent was written by Johannes Rosemann of Buffalo Geothermal, and submitted to the board on behalf of the Buffamantes’. The letter reads as follows:

Dear members of the Allegany Zoning Board,

We at Buffalo Geothermal would like to reach out to the zoning board of Allegany and the neighbors of Jamie Buffamante residing at 3873 S 9 Mile Rd in Allegany, NY.

It is our intent to install a renewable energy Geothermal Heating and Cooling System at the address mentioned above. Geothermal Heating and Cooling Systems rely on the energy stored in the ground to significantly reduce energy consumption and offer an on-site emission free heating solution, improving air quality for the homeowner and all near by neighbors.

To "harvest" the energy from the ground we need to install closed loop HDPE-Piping 7-9 feet below the surface in horizontal trenches. Due to the shape and size of the lot, existing structures and utilities we request a variance on the side yard setback requirements to have sufficient area for this closed loop piping. The proposed action requires a variance of the minimum setback of 4 feet instead of the zoning setback of 10 feet on the east facing property line (please see attached copy of the survey with a sketch of the proposed excavation).

After the installation of the closed loop piping in the horizontal trenches they will be backfilled and not visible, thus not changing the look of the house or view for any neighboring parties. Furthermore, the proposed action does not encroach or infringe on any neighboring properties, nor would it impose any hardship on any neighbors, nor would it serve to create a situation where any neighbor's quality of life, property value, or peaceful co-existence would be negatively affected. Quite the contrary, the proposed Variance would allow the homeowner to avoid onsite emissions and improving the air quality for all neighbors and increase the property value of 3873 S 9 Mile Rd in Allegany, NY which should have a positive effect on the neighboring properties as well.

Thank you for your consideration.

Respectfully submitted,

*Johannes Rosemann, BEng
Operations Manager*

Mr. Rosemann addressed the board, detailing the process of installation of the underground piping, as well as how the Geothermal Heating and Cooling System will operate. While, none of the neighbors of this property were present at the meeting, the homeowners submitted a handwritten statement from their neighbor on the affected side, Susan O'Rourke, which reads as follows:

7/30/21

I have no objection to the above; regarding my neighbor Jamie Buffamante.

Susan O'Rourke

Mr. Sue made the motion that a Public Hearing is not required for this application. 2nd by Mr. Baxter. Chairman Jones – aye; Mr. Kyser – aye; Mr. Sue – aye. Mr. Baxter – aye. Carried.

After thorough discussion, regarding the Town of Allegany Zoning Ordinance regulations, it was determined this underground closed loop piping does not meet the definition for a structure. Therefore, the Town of Allegany Zoning Board of Appeals resolved to the decision that a variance is not required for this matter. The board advised the applicants to

contact the Town of Allegany Code Enforcement/Building Inspector, Jerry Dzuroff, to further discuss the requirements for obtaining a building permit.

Mr. Baxter made the motion to adjourn the meeting. 2nd by Mr. Sue. Chairman Jones – aye; Mr. Sue – aye; Mr. Kyser – aye; Mr. Baxter – aye. Carried.

The meeting was adjourned at 7:37p.m.

Next Zoning Board of Appeals Meeting September 6, 2021 7 P.M.

Respectfully submitted by:

Kari Dugan, Zoning Board of Appeals Secretary