

MINUTES – TOWN OF ALLEGANY
ZBA & PUBLIC HEARING
MONDAY JULY 31 4:00 PM Town Hall

APPROVED

PRESENT:

John Jones, Chairman
Don Sue
Ronald Kyser
Jeffrey Baxter
Carol Ozella

ALSO PRESENT:

Michele Lovern, Building & Zoning Secretary; John Kirst, CEO; Mike Higgins, Town Supervisor; Peter Pavek, Quattro Development; Terrance Boyle, Nussbaumer & Clarke, Joel Witcher, Fresh Fire Worship Center

4:00 PM

Salute to the Flag begins the meeting

Public Hearing – Take 5 Area Variance Request

Public Hearing on the Area Variance Request of the proposed Take 5 Auto located at 3028 & 3030 West State Street in the Town of Allegany.

1. Chairman Jones opens the Public Hearing.
 - Letters to neighbors sent
 - Waiting to hear from Cattaraugus County
 - Terrance spoke

MOTION TO CLOSE THE PUBLIC HEARING

Motion by Chairman Jones to close the public hearing at 4:25PM. 2nd by Ms. Ozella. Chairman Jones – aye; Mr. Sue – aye; Mr. Kyser – aye; Mr. Baxter – aye; Ms. Ozella – aye. CARRIED

ZBA BOARD MEMBER DISCUSSION OF TAKE 5 AUTO AREA VARIANCE

The board considered the following factors while making their decision about the area variance:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Board vote **NO**
Reasons: Same as what is currently in the neighborhood
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Board vote **NO**
Reasons: No additional parcels to purchase or anywhere else to go
3. Whether the requested variance is substantial: Board vote **YES**
Reasons: All businesses in that area do not meet the criteria either

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4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Board vote **NO**
Reasons: New layout addresses concerns
5. Whether the alleged difficulty was self-created: Board vote **NO**
Reasons: Purchased 2 lots to ease problem caused by C1 changed to C2

The ZBA, after taking into consideration the above five factors, finds that:
The Benefit to the Applicant **DOES** outweigh the Detriment to the Community.

MOTION TO GRANT TAKE 5 AUTO AREA VARIANCE REQUEST

Motion by Mr. Baxter to grant Take 5 Auto Area Variance Request. 2nd by Mr. Sue. Chairman Jones – aye; Mr. Sue – aye; Mr. Kyser – aye; Mr. Baxter – aye; Ms. Ozella – aye. CARRIED

MOTION TO ACCEPT MINUTES FROM THE JULY 17, 2023 ZBA MEETING

Motion by Mr. Jones to accept the minutes of the June 5, 2023 meeting. 2nd by Ms. Ozzella. Chairman Jones – aye; Mr. Sue – aye; Mr. Kyser – aye; Mr. Baxter – aye; Ms. Ozella – aye. CARRIED

CORRESPONDENCE

1. Map showing new entrance and exit from business
2. 4 other business with less frontage

OLD BUSINESS

1. Blue Buffalo – Discussion
 - New York State rejected entrance
 - Ways around decision

MOTION TO ADJOURN THE MEETING

Motion by Mr. Baxter to adjourn the meeting at 4:57PM. 2nd by Mr. Kyser. Chairman Jones – aye; Mr. Sue – aye; Mr. Kyser – aye; Mr. Baxter – aye; Ms. Ozella – aye. CARRIED

Respectfully submitted by,
Michele Lovern
Building & Zoning Clerk
10/17/23