

MINUTES – TOWN OF ALLEGANY
ZONING BOARD of APPEALS SPECIAL MTG
Tuesday, July 14, 2026, at 5pm at The Town Hall

Approved

PRESENT:

Kathy Martin (Chair)
Jeff Baxter
John Jones
Peter Hellier
Carol Ozzella

ALSO PRESENT:

Dan Brown(CEO); Michele Lovern(Secretary); Gary Segrue(Applicant); Ryan Gellman(Applicant's Attorney)

Salute to the Flag

CURRENT BUSINESS:

K. Martin opened up the meeting with the Second Use Variance Renewal: Gary M. Segrue/Diamond Building Corp/Sage Luxury Estates is requesting a use variance renewal for 1 year for the empty lot on Cranberry Road, Olean NY 14760, SBL #94.003-1-15.1 to develop 2 8-unit professional residential buildings.

R. Gellman – Explained that the seller (Kinley) is refusing to close the deal on the contract to sell the land to G. Segrue. The case is still in litigation. Hoping it will be resolved in the next 6 months, they are asking for another Use Variance Renewal.

K. Martin – Read from the Town Ordinance III adopted October 11, 2016, Section 7.06(D)(1-3) that states that it is up to the Zoning Board of Appeals discretion on renewal time “up to a year”.

(D) Expiration of Grant of Variance

(1) A variance shall expire one (1) year from the date of approval if a building permit has not been issued or if use of the property in accordance with the grant of variance has not commenced, in cases where a building permit is not needed. The Zoning Board of Appeals may grant an extension of the variance for up to one additional year when the applicant is able to demonstrate a legitimate need to delay the start of construction or operation, such as inclement weather, delays in financing, or similar factors. The applicant shall apply to the Zoning Board of Appeals for such extension, prior to the expiration of the grant of variance. The extension of the grant of variance is deemed to be a de minimus action that does not require a public hearing. However, the Board of Appeals may choose to hold a public hearing prior to any such extension of the grant of variance.

(2) A use variance shall expire if the use of the property in accordance with the grant of a variance shall cease continuously for one (1) year.

(3) Nothing in this section shall be construed to prohibit the Zoning Board of Appeals from requiring, as a condition of approval, that a variance be renewed periodically.

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J. Jones – Regarding the Town Ordinance III, it says that the Zoning Board of Appeals can hold an open hearing regarding the renewal of the Use Variance. Also, the interpretation on how long the second renewal can be.

K. Martin – We were under the gun since the renewal came in 1 week before it was up and there was no time to put together an open hearing, since there were no changes to the project and the Site Plan was approved.

J. Baxter – Does not want a public hearing since it will open up a discussion about the project and not just about the renewal.

C. Ozzella – Agreed with J. Baxter and feels we should not have a public hearing. Brought up that a 6 month renewal seems far, as to not prolong this project.

P. Hellier – Agreed with C. Ozzella on a six-month renewal and stated that the project should be reviewed again.

D. Brown – Asked with the Ordinance, can the Board do less when it says up to 1 year.

K. Martin – Yes, and we do not need a public hearing.

Motion made to grant a 2nd renewal of the Use Variance for 6 months, ending January 15, 2027;
1st by K. Martin; 2nd by C. Ozzella

K. Martin – Y; J. Baxter – Y, P. Hellier – N; J. Jones – Y; C. Ozzella – Y; CARRIED

ADJOURN MEETING: (5:30)

Motion to close meeting;

1st by J. Baxter; 2nd by C. Ozzella

K. Martin – Y; J. Baxter – Y, P. Hellier – Y; J. Jones – Y; C. Ozzella – Y; CARRIED

NEXT MEETINGS: (@5:00pm)

Jul 22; Aug 26; Sep 23; Oct 28; Nov 25; Dec 23

*Respectfully submitted by:
Michele Lovern
Zoning Board of Appeals Secretary*