

MINUTES – TOWN OF ALLEGANY
ZONING BOARD of APPEALS MEETING
Wednesday, July 22, 2026, at 5pm at The Town Hall

Approved

PRESENT:

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

ALSO PRESENT:

Michele Lovern; Jake Hardy (representing the Applicant)

Salute to the Flag

CURRENT BUSINESS:

Request for Renewal of 4 Area Variances for Don Benson (the Applicant) at 4219 South Nine Mile Road, Tax# 93.001-1-40.4 as of July 25, 2025:

1. West side 75' variance, 425' distance from inhabitants
2. East side 50' variance, 450' distance from inhabitants
3. South side 50' variance, 450' distance from inhabitants
4. North side 163' variance, 337' variance from inhabitants
 - a) No subsurface digging or excavating North of the Berm as of the 5/30/25 prints
 - b) No subsurface digging or excavating in the 100' former railroad property
 - c) No heavy traffic to Cheesefactory Road
 - d) No stockpiling on former railroad property that is within 500' of nearest inhabitant dwelling

J. Hardy – Let the board know that they are still waiting on the studies to be done and for the DEC reports. Nothing has changed regarding the variances. It should be wrapped up within the year.

*J. Jones – Questioned 4) a
(I added “of the Berm as of the 5/30/25 prints)*

K. Martin – Explained that it was the conditions that were originally made. Addressed the letter from D. Benson and changed one word, “variance” to “distance”.

J. Hardy – No changes, just waiting on DEC.

J. Jones – Make sure that 4) a is written out.

K. Martin – Cannot change any of the originals

Approve Area Variance renewal for 1 year ending July 25, 2027

Motion by: J. Baxter; 2nd by: C. Ozzella

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

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APPROVE MINUTES:

June 25, 2026

Motion to approve June 25 minutes by: J. Jones; 2nd by: J. Baxter

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

July 14, 2026

Motion to approve July 14 minutes by: C. Ozzella; 2nd by: J. Baxter

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

NEW BUSINESS:

Discuss the language in Zoning Ordinance Section 7.06, part D regarding variance extensions.

K. Martin – Town Board would like the Zoning Board to look at and update the Zoning Ordinances, other board members will be involved as also P. Sorgi, the town attorney. C. McPherson would like this process to start in September 2026.

C. Ozzella – Very concerned about the limitless variance renewal.

J. Jones & K. Martin – Agreed

K. Martin – Needs to be limit

P. Hellier – Concerned about the fact that projects concerning the DEC could take up to 3 years and 3 renewals.

FROM THE FLOOR:

ADJOURN MEETING: (6:00)

Motion to adjourn at: 5:35 by: J. Jones; 2nd by: C. Ozzella

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

NEXT MEETINGS: (@5:00pm)

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