

MINUTES – TOWN OF ALLEGANY
PUBLIC HEARING & ZONING BOARD of APPEALS MTG
Wednesday, May 27, 2026, at 5pm at The Town Hall

Approved

PRESENT:

Kathy Martin (Chair)
Jeff Baxter
John Jones
Peter Hellier

ABSENT:

Carol Ozella

ALSO PRESENT:

Dan Brown(CEO); Michele Lovern(Secretary); Greg Giardini, 365 Construction(Applicant)

Salute to the Flag

Opened public hearing at 5:05

Applicant, Gregory Giardini to request an area variance of 6 feet for Leo Belli to extend his garage 24 feet back at 4279 South Nine Mile Road (93.001-1-26), making the side set-back 4 feet from the property line instead of 10 feet as stated in the Zoning Ordinance 111, Section 4.03 Dimensional Regulations – Schedule B.

G. Giardini – project is to fit a fishing boat behind their cars in their garage. There are no drawings, but it was discussed with D. Brown. The original plan was to put it in front of the house with limited room. D. Brown suggested adding to the back of the garage and removing the metal shed. That way there would be more room and better looking than the current metal shed.

J. Jones – is it necessary to do an area variance for the addition on less than an acre.

K. Martin – it does not apply since it is an addition and not a new build. Concerned about the percentage of property coverage.

D. Brown – it will not be an issue since the addition will be replacing the footage covered by the current metal shed that will be partially or completely removed.

Close public hearing at 5:10

Motion to close public hearing by: J. Jones; 2nd by: P. Hellier

K. Martin – AYE; J. Baxter – AYE; P. Hellier – AYE; J. Jones – AYE; CARRIED

NEW BUSINESS:

1) Review & Discuss the Request for Area Variance:

K. Martin, D. Brown & P. Hellier all viewed the property to get a clearer understanding of the set-back

a) The Area Variance Findings & Decision was done

Motion to grant a 6-foot variance with 1 condition, neighbor letter be submitted to the office by May 28 by: K. Martin; 2nd by: P. Hellier

K. Martin – AYE; J. Baxter – AYE; P. Hellier – AYE; J. Jones – AYE; CARRIED

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APPROVE MINUTES:

*Motion to approve April 22 minutes by: J. Jones; 2nd by: J. Baxter
K. Martin – AYE; J. Baxter – AYE; P. Hellier – AYE; J. Jones – AYE; CARRIED*

CURRENT BUSINESS:

1) Short-term Rentals

Researching other Towns and Villages Short-term Rental Ordinance and seeing if there is a need

FROM THE FLOOR:

Nothing

ADJOURN MEETING: (5:30)

*Motion by: J. Jones; 2nd by: J. Baxter
K. Martin – AYE; J. Baxter – AYE; P. Hellier – AYE; J. Jones – AYE; CARRIED*

NEXT MEETINGS: (@5:00pm)

Jun 24; Jul 22; Aug 26; Sep 23; Oct 28; Nov 25; Dec 23

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

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ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION

Applicant: Gregory Giardini (Builder)

Appeal Concerns Property at the following address:
4279 South Nine Mile Road

County Tax Map Section: 93.001-1-26
Zoning District Classification: R-1

OFFICE USE ONLY

Application No. AV- 40-26
Date of Application: 4/27/26
(Postmarked or Hand Delivered)
Date of Public Hearing: 5/27/26
Date Notice Published: 5/20/26
Date of County Referral: N/A
Date of Final Action: 5/27/26
Date of Filing of Decision with the
Municipal Clerk: 5/28/26
Applicant: 5/28/26

Requirement for which Variance is Requested: Looking for 6-foot variance to extend the garage back 24 feet

Applicable Sections(s) of Zoning Code: Section 4.03: Dimensional Regulations – Schedule B (Set Backs) and
Section 7.06(B)(3)(b).

TEST: No area variance will be granted without a consideration by the board of the following factors:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance: Yes ___ No X

Reasons: We see no problem, with this in regard to the changing of the character of the neighborhood.

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance: Yes ___ No X

Reasons: There is no other place to build this.

3. Whether the requested area variance is substantial: Yes X No ___

Reasons: 60% is substantial

4. Would the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district: Yes ___ No X

Reasons: See no impact

5. Whether the alleged difficulty was self-created: Yes X No ___

Reasons: He chooses to build this

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DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

 The Benefit to the Applicant DOES NOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance is denied.

 X The Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: _____

The ZBA further finds that a variance of 6' from Section 4.03 of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: Need letter from affected neighbor. That he was notified and is in agreement with this variance.

Adverse impact to be minimized: _____

Condition No. 2: _____

Adverse impact to be minimized: _____

Chairman, Zoning Board of Appeals

Date

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	Kathy Martin	<u> X </u>	<u> </u>
Member	Jeff Baxter	<u> X </u>	<u> </u>
Member	Peter Hellier	<u> X </u>	<u> </u>
Member	John Jones	<u> X </u>	<u> </u>
Member	Carol Ozzella	absent	

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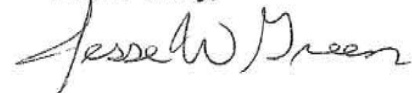
Approved

May 16, 2026

TO WHOM IT MAY CONCERN:

I live at 4275 South Nine Mile Road, Allegany, NY, next to Leo & Terri Belli at 4279 S. Nine Mile Road. I understand that they are interested in adding on to their garage and that the garage in question would be approximately 6 foot away from the property line. I have no objection to this addition as it will not interfere with our property.

Yours truly,

A handwritten signature in cursive script that reads "Jesse W. Green".

Jesse W. Green

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