

MINUTES – TOWN OF ALLEGANY
PUBLIC HEARING & ZONING BOARD of APPEALS MTG
Thursday, June 25, 2026, at 5pm at The Town Hall

Approved

PRESENT:

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

ALSO PRESENT:

Dan Brown(CEO); Michele Lovern(Secretary); Adam Rowles (Lodestar); John Ricci (Applicant);

Neighbors of applicant: Diana Piccioli; Stephanie Guthrie; Jason & Lisa Woodarek

Salute to the Flag

Opened public hearing at 5:00

Open public hearing for the request for an area variance of 8 feet for John Ricci to extend the garage 8 feet to the side property line at 8 Solterra Circle (84.004-2-18.3).

J. Ricci – Addressed the board and public in attendance regarding making his garage wider to fit 2 cars in it. Originally asking for 8 foot variance but was willing to decrease it down to as little as 3 feet, preferably 4 feet or 5 feet.

D. Piccioli – Sent in a letter (exhibit A) opposing it. The neighborhood has 2 car garages not 3 car garages, changing the look.

J. Woodarek – Sent in a letter (exhibit B) opposing it. Concerned about changing the look of the neighborhood and the drainage with the possibility of water displacement.

L. Woodarek – Concerned about what the displacement of land would do to the leech field since the water drainage runs down to 10 Solterra Circle which is already getting flooded. Aesthetically it would look different from the rest of the neighborhood. Feels he already knew when he bought the house since he put in for an Area Variance within 2 weeks.

P. Hellier – Is this a subdivision and does it have a HOA from the builder, which is unknown. Should the Health Department check the leech field and see if this will have an effect on it?

J. Jones – Is the swale on the property line and who maintains it?

K. Martin – Should we do the Area Variance as is or reduce it from 8 feet to 3 feet?

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; C. Ozzella: CARRIED

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NEW BUSINESS:

Review and do the Area Variance Finding & Decision form:

The request for an area variance of 8 feet for John Ricci to extend the garage 8 feet to the side property line at 8 Solterra Circle (84.004-2-18.3) was brought down to 3 feet by John Ricci and the Board. (exhibit D)

by: K. Martin; 2nd by: P. Hellier

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

APPROVE MINUTES:

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

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

CURRENT BUSINESS:

1) Solar Project on Hayes-Anderson

Adam Rowles from Lodestar came in to give a presentation the project and the possible 2 Area Variances. Setback for system fence would possibly need an Area Variance of 40 feet. Lot coverage for a Solar Tier 3 is no greater than 25%, they are looking at coverage of 67%, needed a Variance of 42%. All the neighbors are on board with this project since Lodestar will need to fix the main private road going into a land locked area.

FROM THE FLOOR:

Nothing

ADJOURN MEETING: (6:30)

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

K. Martin – AYE; J. Baxter – AYE; P. Hellier – AYE; J. Jones – AYE; C. Ozella: 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

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Exhibit A

JUN 23 2026

Diana L. Piccioli
10 Solterra Circle
Allegany, NY 14706
716-307-9158
dianalpiccioli@yahoo.com

June 18, 2026

Town of Allegany ZBA Chair Martin and Members:

I oppose Mr. John Ricci's variance application for 8 Solterra Circle.

I have lived at my residence for almost 30 years. I take great pride in my home and living in Allegany. There are multiple reasons why I am opposed to this request. Please see below:

1. My septic system is extremely close to the property line in question. The disturbance of the ground is my main concern, which could cause damage to the septic system.
2. The property in question is elevated compared to mine. Bringing the elevation closer to my house would cause more water runoff. I already experience water problems in my basement, and this would just compound the problem even more.
3. My living space view would be obstructed by the additional 8 feet of a garage extension.
4. I believe Mr. Ricci should have explored the variance before purchasing the property. He has only been in the residence since June 6. It also would have been proper for Mr. Ricci to consult me first, before filing the variance application. That did not happen.
5. There are other options that could be explored for additional space if needed, including storage sheds or extending the garage in the back.

Thank you for your time.

Sincerely,



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CATT CO HEALTH

716-373-0942

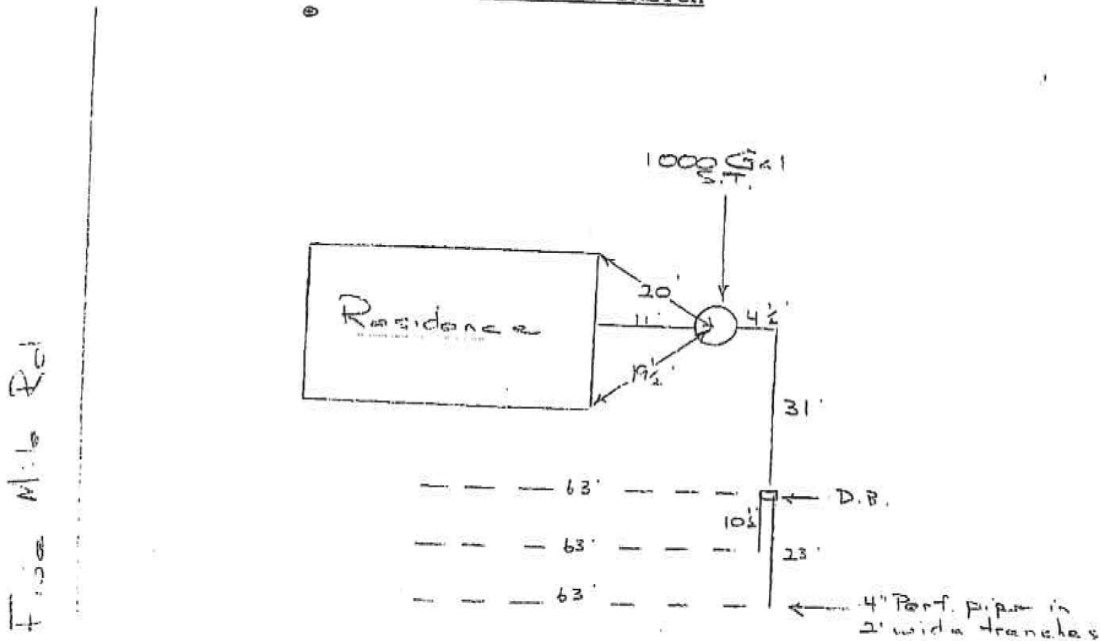
p. 1

CATTARAUGUS COUNTY DEPARTMENT OF HEALTH

PERMIT TO OPERATE A SMALL SEWAGE DISPOSAL SYSTEM

OWNER: Jeff and Betty Carter
MAILING ADDRESS: 1001 Irving St. Olcott, N.Y.
LOCATION: 10 Solterra Circle Allegany (T.V.C)
No. of bedrooms: 3 No. of persons: 3 Flow: 450 gpd
Tank: Concrete ☒ Fiberglass _____ Capacity 1000 gallons
Type System: Tile Field ☒ Leach Pit _____ Absorption Bed _____
Sand Filter _____ Sand from _____
Other _____
Sq. Ft. Leaching Area Constructed: 378
Dimensions: _____
Contractor: Self
Inspected by: R. Gathas Date: 11/14/94
Approved: Yes ☒ No _____ Conditions: None ☒ See below _____

AS-BUILT SKETCH



Solterra Circle

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Exhibit B

Date: June 25, 2026
To: Allegany Zoning Board of Appeals
Re: Ricci Area Variance Request

JUN 25 2026

JUN 25 2026

We would like to thank the board for allowing us to express our concerns on the area variance request by Mr. Ricci.

- Current residents have built homes or moved into this neighborhood because of the large lots, allowing for a good distance between homes. To allow the variance would go against that appeal. And once a variance is approved, it sets a precedent making similar variance approvals likely, which further erodes the neighborhood appeal.
- We believe there are other options for expansion that would not require a variance.
- There are concerns about the expansion location and how this may affect Mrs. Piccioli's leach field and the drainage between the two lots. Drainage is a concern on flat ground.
- The request is a substantial variance, not a minor one.
- The fact that Mr. Ricci requests for an area variance so quickly after purchasing the property indicates that he may have known or should have known about the set back limitations prior to purchasing, which indicates a self-created issue.

Because of these concerns, we respectfully ask the board to deny the area variance request from Mr. Ricci.

Jason and Lisa Woodarek

6 Solterra Circle

Allegany, NY 14706

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Exhibit C

JUN 24 2026

16 Sunburst Ln
Allegany, NY 14706
June 23, 2026

Dear Town of Allegany Zoning Board of Appeals,

Although I am out of town and cannot attend the public hearing, I **STRONGLY OPPOSE** the Request for Area Variance for John Ricci that requests to add 8 feet to his garage putting at 8 Solterra Circle (84-004-2-18.3).

The house is already poorly positioned (not centered on the lot) and would further encroach 10 Solterra Circle, thus greatly decreasing the aesthetics of the neighborhood. This is likely especially significant given the leach bed for 10 Solterra Circle is in this area. A three-car garage would also be an eye-sore in a high tax residential neighborhood with ALL houses only having two-car garages. Finally, an existing two-car garage property is not a hardship that would require an addition to a garage putting.

Carl J. Case

Dr. Carl J. Case, Ph.D.

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Exhibit D

ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION

Applicant: JOHN RICCI

Appeal Concerns Property at the following address: 8 SOLTERRA CIRCLE

County Tax Map Section: 84.004 Block 2 Lot 18.3

Zoning District Classification: R1

OFFICE USE ONLY

Application No. AV- 51-26
Date of Application: 6/12/26
(Postmarked or Hand Delivered)
Date of Public Hearing: 6/25/26
Date Notice Published: 6/18/26
Date of County Referral: N/A
Date of Final Action: 6/25/26
Date of Filing of Decision with the
Municipal Clerk: 6/26/26
Applicant: 6/25/26

Requirement for which Variance is Requested: AREA VARIANCE OF 3 FEET TO EXTEND GARAGE 12 FEET FROM PROPERTY LINE INSTEAD OF THE 15 FEET SETBACK STATED IN THE ORDINANCES III.

Applicable Sections(s) of Zoning Code: ARTICLE IV; SECTION 4.03 and Section 7.06(B)(3)(b).

TEST: No area variance will be granted without 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: No significant change from 15 foot to 12 foot Variance from the property line only needing 3 feet.

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: Could build a new driveway with a garage to the rear which would change the appearance of the neighborhood. More ground disturbance and no variance required. Possible but not practical.

3) Whether the requested area variance is substantial: Yes No **X**

Reasons: 20% of an area variance is not 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: There would be NO adverse effect as long as the swale is maintained and left undisturbed.

5) Whether the alleged difficulty was self-created: Yes **X** No

Reasons: Self-created, since the applicant came in for the area variance within the week they moved in.

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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 reduction of the variance to 3 feet is very important.

The ZBA further finds that a variance of 3 feet from Section 4.03 of the Zoning Code is the maximum 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: Swale needs to be maintained and not disturbed so no run-off will go to other properties.

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>	___
Member	Jeff Baxter	<u>X</u>	___
Member	Peter Hellier	<u>X</u>	___
Member	John Jones	<u>X</u>	___
Member	Carol Ozzella	<u>X</u>	___