

**MINUTES OF THE REGULAR MEETING OF THE TOWN OF ELLICOTT  
ZONING BOARD OF APPEALS HELD AT THE ELLICOTT ADMINISTRATION  
BUILDING, 215 SOUTH WORK STREET, FALCONER, NY 14733  
ON JANUARY 30, 2017 AT 7:00 P.M.**

**PRESENT:** Chairman Steve Hoglin, Jean Holton, Ken Lyon, Phil Pratt, Attorney William Wright and Secretary Valerie Pierce

**ABSENT:** Code Enforcement Officer Dave Rowe, John Merchant, William Pentheny and Ang Cimo

Chairman Hoglin opened the meeting at 7:00 PM and led in the Pledge of Allegiance. Secretary Pierce called the roll.

**Motion made by Ken Lyon, seconded by Jean Holton to approve the minutes of the December 27, 2016 meeting.**

**Carried.                    Ayes – 4                    Noes – 0                    Absent – 3**

Attorney William Wright swore in everyone that would be giving testimony at this meeting.

**Chairman Hoglin reopened the public hearing for Richard and Anthony Benedetto for a variance to construct a 6000 SF building and a set-back variance for the parking lot on Dunham Ave., Jamestown, NY.**

Secretary Pierce reported that Code Enforcement Officer had talked to Mr. Richard Benedetto and they had requested that this application be tabled until March. Attorney Wright said that since this had been tabled at the applicants request at the last meeting so the Board does not have to take any action. The record will reflect that they plan to attend at the March meeting.

**Chairman Hoglin opened the public hearing for Falconer Methodist Housing Development Fund Co., Inc., NY for the renewal of their special use permit for an apartment building in a residential district at 430 East Ave., Falconer, NY.**

**Mr. Kevin Saff, director of senior housing for Lutheran addressed the Board. He introduced Dave Brown, the assistant director of maintenance for Lutheran. They represent Lutheran Senior Housing.**

- currently they run approximately 350 private pay and subsidized housing apartments throughout Jamestown
- Lutheran owns five private properties
- they are the management agent for Falconer Methodist Housing Development Co., Inc. d/b/a Methodist Gardens

- they are requesting approval for the renewal of their special use permit
- when they were in two years ago they had missed the deadline for the renewal of the permit – they would like the Board’s consideration for a longer period of time
- Mr. Saff provided pamphlets concerning United Methodist Gardens
- In the HUD world this is a 202-8 property – section 202 represents the section of the housing act of 1959 – so this is a supportive housing multi-family – the section 8 represents the subsidized portion of that
- this property has 35-one bedroom apartments for individuals age 62 or older
- this property is HUD subsidized so individuals pay only 30% of their gross income to reside there
- in 2016 the occupancy was at 96%
- they feel they have been good neighbors
- they have annual monies that they use for improvements on the property
- they would like to request that they can renew this for as long as possible
- this building was built by the Methodists in the 1980’s

Mr. Hoglin asked if they plan on any change in the operations. Mr. Saff said that there was nothing different since they presented two years ago. They are on time for the renewal this time.

Mr. Saff told the Board that HUD actually sends out inspectors to inspect the building and it was last inspected in November of 2016. The building achieved a grade of 98 on its inspection report out of 100 points.

Secretary Pierce stated there was no correspondence from neighbors.

Phil Pratt stated that he has known some of the residents that have lived or do live at this facility and feels it is fabulous.

Attorney Wright told the Board that this is a renewal of special use permit. When they were here before they were not on time and the Board typically renews for two years. They do have the ability to renew for a longer period of time now. He believes that they longest renewal has been for 10 years.

Phil asked if they see making any significant changes to the outside of the building. Mr. Saff stated they did not. HUD requires a contract and their contract with HUD is good through 2033. He sees no changes in the next 10 years or actually until 2033.

**Motion made by Jean Holton, seconded by Phil Pratt to renew this special use permit for Falconer Methodist Housing Development Fund Co., Inc. NY for ten years.**

**Carried**

**Ayes – 4**

**Noes - 0**

**Absent - 3**

**Chairman Hoglin opened the public hearing for J B Crosby (PC Projects) for the renewal of a special use permit for a home occupation permit for a computer business at 2527 Camay Lane, Jamestown, NY.**

**Mr. Crosby addressed the Board:**

- he provided pamphlets on his business for the Board members – he digitizes old home movies, videos and slides
- he is going into his thirteenth year of business and has been working out of his home since then
- it is most effective for him to work out of his home because it is time consuming
- he has no employees
- he receives clients by appointment
- there is no parking on the street
- he does advertise in 5 newspapers – he uses a phone number and a website – people would not typically just show up at his home
- he does have a sign in the front yard that is permitted
- he is requesting a longer renewal period

There was no correspondence concerning this application.

**Motion made by Ken Lyon, seconded by Jean Holton to renew the special use permit for a home occupation for a computer business for J B Crosby at 2527 Camay Lane, Jamestown, NY for five years.**

**Carried.                      Ayes – 4                      Noes – 0                      Absent - 3**

**Chairman Hoglin opened the public hearing for Betty Jo Volpe, 2530 South Work St., Falconer, NY for the renewal of a special use permit for a home occupation for a photography business and utilizing the same office space for another business.**

**Ms. Volpe addressed the Board:**

- she told the Board that she has been doing the photography business for two years
- the business takes up approximately 18% to 19% of the total square footage of the home
- it is by appointment only
- she advertises on the web – they do not get the address until they make an appointment
- she has only one person or group of people at a time in her home – much is done outside of the home
- she has no signs
- the other business is a contemporary service – an LLC – single member – she is in the process of going through NYS right now

- it will be non-medical services for people in their home – she is a nurse but she is not doing nursing at the present time – this would not be in her home
- at the present time it will be just her – if it gets busy she may expand but it would not be out of her home

Attorney Wright stated that the Board does not have the authority to do anything other than consider the renewal of the current special use permit. He feels that Ms. Volpe would have to do a separate application. Mr. Wright told her that once she has the business set up she should apply. Ms. Volpe asked if she had to wait until she has the LLC set up. Attorney Wright said he did not think she did. She does need to fill out an application for a new home occupation permit.

Secretary Pierce stated there was no correspondence concerning this application.

Ms. Volpe told the Board that she was zoned industrial. Attorney Wright asked if they were part of the industrial park. Mr. Wright told Ms. Volpe he would discuss with Dave Rowe if she would need to come in at all for the new business.

**Motion made by Jean Holton, seconded by Ken Lyon to approve the renewal of the special use permit for a photography business in her home at 2530 South Work St., Falconer, NY for five years.**

**Carried.                    Ayes – 4                    Noes – 0                    Absent – 3**

**Motion made by Jean Holton, seconded by Ken Lyon to convene Executive Session to take advice from legal counsel at 7:30 PM.**

**Jean stated that she did not anticipate the Board would take action after the executive session.**

**Carried.                    Ayes – 4                    Noes – 0                    Absent – 3**

**Motion made by Steve Hoglin, seconded by Ken Lyon to reconvene from Executive Session at 7:49 PM**

**Carried.                    Ayes – 4                    Noes – 0                    Absent – 3**

**Motion made by Ken Lyon, seconded by Phil Pratt to adjourn the meeting at 7:50 PM.**

**Carried.                    Ayes – 4                    Noes – 0                    Absent - 3**

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Valerie Pierce, Secretary