

MINUTES OF THE REGULAR MEETING OF THE TOWN OF ELLICOTT ZONING BOARD OF APPEALS/ PLANNING BOARD WAS HELD AT THE ELLICOTT ADMINISTRATION BUILDING, 215 SOUTH WORK ST., FALCONER, NY 14733 ON NOVEMBER 15, 2018 AT 6:00 P.M.

PRESENT: Chairman Dan Evans, Jean Holton, Patricia Martonis, Paul Volpe, Attorney William Duncanson, Code Enforcement Officer David Rowe and Secretary Valerie Pierce
ABSENT: Ken Lyon

Chairman Evans opened the meeting at 6:00 PM and led in the Pledge of Allegiance.

Motion made by Patricia Martonis, seconded by Paul Volpe to approve the minutes of the October 18, 2018 meeting.

Carried. Ayes – 4 Noes – 0 Absent – 1

Chairman Evans opened the public hearing for Jamie Reynolds, 1872 Camp St. Ext., Jamestown, NY for a renewal of a special use permit to operate a land surveying business in his home.

Notice of the public hearing had been published and notices to neighboring properties had been sent.

Mr. Reynolds addressed the Board.

- there have been no changes to the business
- there has been no increase in traffic
- no employees

Code Enforcement Officer Dave Rowe reported that there had not been any complaints and said that Mr. Reynolds came in without being notified.

Motion made by Paul Volpe, seconded by Jean Holton to approve the Special Use Permit for Jamie Reynolds for a land surveying business in his home at 1872 Camp St. Ext., Jamesown, NY.

Carried. Ayes – 4 Noes – 0 Absent - 1

Mr. Reynolds requested that the special use permit be extended indefinitely. The Board has done this for another applicant.

Attorney Duncanson told the Board that they should make a motion that states unless there were changes in circumstances in regard to use or complaints concerning the special use permit the permit will continue in full force.

Dan said that any change of use would be employees, company trucks or traffic.

Dave stated as soon as there were employees it would no longer be considered a home occupation.

Pat read a section of code on the waiver of requirements.

Motion made by Jean Holton, seconded by Pat Martonis that the Special Use Permit for Jamie Reynolds continue indefinitely as initially granted unless the Board is made aware of any change in circumstances or if there are complaints regarding the special use.

Carried. Ayes – 4 Noes – 0 Absent – 1

Chairman Evans reopened the public hearing for The Krog Group for a use variance to construct a parking area to provide compliant ADA parking spaces.

Gay Krog addressed the Board:

- she provided new plans for the Board
- she said that a neighbor was present at the last meeting and requested screening next to his property – Dave said that Mr. Hanson had called and he was out of Town and unable to get back for the meeting – they had put in some trees but had the wrong location of his property – Ms. Krog did ask if they could do screening with more trees and if that would be sufficient – Dan stated that Mr. Hanson did request a fence – Ms. Krog said that she would have to see what the applicant wanted to do about the fence
- there is still future parking shown on the plans
- there will be no lighting because it is strictly daytime activity
- there are no walkways
- the building will remain the same

The Board continued with the discussion of the plans.

- Dan stated the he thought they would have to get a permit for the curb cut on Southwestern Drive because it did not look like it was in the same place
- Dan also had some questions on the drainage – there were no topals on the plans – he asked if they were planning on a trough drain

Dave provided the Board with a GIS photo of the house and property.

Attorney Duncanson said that because there are lingering issues regarding the exact location of the curb cut, the drainage and if there is going to be a fence required it would be good to have photos of the property. They did reduce the size of the parking and the Board sees the need for the handicapped parking. These plans are plausible but the Board needs to take into consideration the concerns of the neighbor.

Dan said that considering the variance they are requesting they have pared it back enough for the handicapped parking and the need is there and they have fulfilled that requirement.

Dan asked if this is part of the variance approval or part of a site plan review. Attorney Duncanson said that he feels this can be handled as part of the variance.

Mr. Duncanson asked how much time Ms. Krog needed.

The Board is requesting that the applicant provide:

- Photos of property showing from the neighbor's property down
- where the curb cut will be and if it is new or going to be where it was before- if it is new they need to show an application that they applied for that curb cut
- show drainage (with topals) on the plans – or have a letter from an engineer stating that there would be no runoff onto Southwestern Drive – they need to keep all the water contained on site
- hours of operation

Attorney Duncanson requested that Mr. Hanson be notified of the next meeting.

Pat asked if they wanted the future parking that is shown on the plan would they have to come back. The applicant would have to come back to the Board for any future parking request.

Motion made by Jean Holton, seconded by Paul Volpe to table this application until they provide the information that was requested by the Board.

Carried. Ayes – 4 Noes – 0 Absent – 1

Attorney Duncanson suggested that the Carlson application because of the length of time between when he appeared and when he may be coming back be republished. Secretary Pierce stated that Mr. Carlson would have to notify the Town at least ten days prior to the meeting. Mr. Duncanson stated that he will notify Mr. Carlson's attorney. Dave said that he also notified Mr. Carlson that if the Town did not hear from them the application would be considered abandon and they would have to reapply.

Motion made by Pat Martonis, seconded by Jean Holton to adjourn the meeting at 7:45 PM.

Carried. Ayes – 4 Noes – 0 Absent – 1

Valerie Pierce, Secretary