

**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 April 18, 2019 AT 6:00 P.M.**

**PRESENT: John Merchant, Jean Holton, Paul Volpe, Attorney William Duncanson, Code Enforcement Officer David Rowe and Secretary Danielle Calkins**

**ABSENT: Daniel Evans, Kenneth Lyon, and Patricia Martonis**

Paul Volpe opened the meeting at 6:04 PM and led in the Pledge of Allegiance.

**Motion made by John Merchant, seconded by Jean Holton to approve the minutes of the March 21, 2019 meeting.**

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

**Paul Volpe opened the public hearing for Krog Group, 57 Southwestern Dr, Jamestown, NY for a site plan review and variance for modifying a parking lot.**

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

**Attorney Duncanson stated that Gay Krog was still under oath.**

**Ms Krog presented her photos and site plan to the board and the neighbor in attendance.**

- Will be draining into the existing soil.
- Will be adding a fence in between the parking lot and neighbor's property.
- Some parking spots will no longer exist and will be a grassy area.

Mr. Volpe asked if additional lighting would be required and MR. Rowe the Code Enforcement Officer explained that it is not required and Ms. Krog stated that they will not be adding any additional lighting.

Attorney Duncanson discussed notes he has from previous meetings that stated that this special use variance is necessary due to state mandates and is not self imposed. The Krog group must meet handicap parking regulations but this sit plan includes more parking spaces.

Ms. Krog discussed that the previous drawing included an additional 10 parking spots but they will no longer be utilizing 5 of them. She brought out the previous drawing for the board to inspect (Ex 1).

**John Merchant made a motion, seconded by Jean Holton to approve the special use variance application for Krog Group , 57 Southwestern Dr, Jamestown, NY for 14 parking spaces; two of which will be for handicap parking , a drive way off of Southwestern Dr, and a fence along the property with neighbors and removal of parking spaces near Kmart's parking lot.**

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

**Paul Volpe opened the public hearing for Gerry Homes dba The Woodlands, 2000 Southwestern Dr, Jamestown, NY for a special use permit renewal for operating an adult home.**

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

**Attorney Duncanson swore in David Smeltzer.**

**Code Enforcement Officer David Rowe brought to the boards' attention that other adult homes in the town have received 20 year special use variances.**

**David Smeltzer asked if the special use could be extended anywhere from 10 to 20years. He additionally asked if the variance could be altered to only include the number of residences on the property and not a specific number of each. The previous variance allowed for 53 units (22 duplexes, or 44 units plus 9 single family homes.) The requested would be for a total of 53 structures comprised of duplexes and single family homes.**

**The Board explained that a new site plan would need to be approved for any changes made when new structures are built.**

**Jean Holton made a motion, seconded by John Merchant to approve the special use variance renewal for Gerry Homes The Woodlands, 2000 Southwestern Dr, Jamestown, NY based on the approved site plan to operate an adult home for 20 years. In addition, the 53 residential homes listed on the site plan may be comprised of either duplexes or single family homes with no sub-division parcels requiring building and site plan approvals.**

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

**Motion made by John Merchant, seconded by Jean Holton to adjourn the meeting at 6:35 PM.**

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

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Danielle Calkins, Secretary