

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

PRESENT: Chairman Dan Evans, Jean Holton, Ken Lyon, Patricia Martonis, Paul Volpe

ABSENT: None

Chairman Evans opened the meeting at 6:00 PM. Secretary Pierce called roll. Mr. Evans led in the Pledge of Allegiance.

Motion made by Jean Holton, seconded by Patricia Martonis to approve the minutes of the February 14, 2018 meeting.

Carried. Ayes – 5 Noes – 0 Absent – 0

Chairman Evans opened the public hearing for **James MacTavish, 86 W Livingston Ave., Celoron, NY for a variance to place a shed on an adjacent lot on Longview Avenue for household and seasonal storage.**

Attorney Duncanson swore in Mr. MacTavish.

Code Enforcement Officer Dave Rowe gave the Board a brief explanation of Mr. MacTavish's situation.

- he said that Mr. MacTavish's circumstances would not be found anywhere else in the Town of Ellicott
- his house is in the Village of Celoron on the lakefront and the house fills the whole parcel - Mr. MacTavish told the Board that he has about 15 feet in the front of his parcel that the house sits on - he has no option to put a shed on that parcel
- Mr. MacTavish purchased the vacant lot on the point between Longview, Jackson and Duquesne – the lot has been vacant for over 60 years if not more
- Mr. Rowe told the Board that he had a conversation with Supervisor Mc Laughlin regarding this situation and they briefly discussed potentially changing some of the zoning laws - they decided that would not be the best course of action because probably this situation would not be replicated
- the lots cannot be combined because they are divided by the street

Mr. MacTavish told the Board:

- the size of the shed would be 10' by 20' or 12' by 20'
- there will be no vehicles in the shed – he does park his truck on that lot sometimes but it would not be in the shed
- he may put electrical service to the shed in the future – probably on a stand and underground to the shed
- he has a semi-cleared area now but has not gone further without knowing if he could get approval

- he does have a placement area for the shed and showed the Board the area on the map
- the door will swing open – there will be no overhead door
- if he puts in lighting will would be only a man door security light – no pole lighting

Chairman Evans said he had some concerns with the buffering from Jackson Ave and the neighbors. Mr. MacTavish said there is a row of trees that would buffer Jackson Ave. the shed would have to be back 25 feet.

Attorney Duncanson asked what Mr. MacTavish intentions are to access the shed. Mr. MacTavish said he would not be having a driveway. He would not need a drainage ditch. He will not be putting in any concrete or pavement. He would be using gravel for fill if needed.

Mr. Rowe asked Attorney Duncanson if the setbacks apply to a shed because in the code it says dwelling. Mr. Duncanson stated that it does.

Chairman Evans asked if this had to be sent to the County Planning for approval. Mr. Rowe told the Board that the Town had submitted for certain waivers and they had been granted. Attorney Duncanson said they still would have to submit projects that were on a State or County road.

Dan asked if the placement of the shed and actual dimensions will be on the plan Dave said it will when Mr. MacTavish applies for his building permit.

Attorney Duncanson reviewed section 267 B of the Town law for granting of a variance (the balancing test where the Board takes into consideration the benefit to the applicant if the variance is granted as weighted against to detriment to the health, safety and welfare of the neighborhood). He reviewed the five considerations the Board needs to consider in making their determination:

- whether an undesirable change will be produced in the neighborhood or a detriment to nearby properties would be created by the granting of the variance – this is not an unusual use in this neighborhood
- if the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue – not possible because of the way his main parcel is
- whether the requested area variance is substantial – given the size of the lot the shed is minimal and there will be no pavement or no vehicles store in the building – it is not a garage – it is a shed
- whether the proposed area variance will have any adverse affect or impact on the physical or environmental conditions in the neighborhood – there is no adverse affect
- whether the alleged difficulty was self-created - which consideration shall be relevant to the decision but not necessarily preclude the granting of the area variance – it is not because he is not able to build on the main lot

Pat Martonis asked how the Town regulates the shed so that it does not deteriorate. A variance goes with the property and Mr. MacTavish is subject to the building and maintenance code.

Motion made by Jean Holton, seconded by Paul Volpe to approve the area variance for James MacTavish to place a shed on his vacant lot on Longview Avenue with the following conditions:

- no concrete – the shed will be on skids
- electricity only to the shed
- no automobile will be parked in the shed
- no hard surfaces will surround the shed
- no driveway
- no clearing except what is necessary to place the shed
- a man door security light only – no pole lighting
- shed will not exceed 12' by 20'
- shed will be 25 feet from the road boundary line and 10 feet from any property line

Carried. Ayes – 5 Noes – 0 Absent – 0

James and Suzanne Boland did not appear for their public hearing for a variance to place a detached garage on a parcel of vacant land which does not include a residence on Ashmar Lane, Jamestown, NY.

Motion made by Jean Holton, seconded by Ken Lyon to adjourn the meeting at 6:32 PM.

Carried. Ayes – 5 Noes – 0 Absent – 0

Valerie Pierce, Secretary