

**PRELIMINARY DRAFT/UNAPPROVED MINUTES**

**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 19, 2020 AT 6:00 P.M.**

**PRESENT: Dan Evans, Pat Martonis, Paul Volpe, Valerie Pierce and Ken Lyon, Attorney William Duncanson, Code Enforcement Officer David Rowe, and Secretary Danielle Calkins**

**ABSENT:**

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

**Motion made by Pat Martonis, seconded by Ken Lyon to approve the minutes of the October 15, 2020 meeting.**

**Carried.            Ayes – 5                      Noes – 0                      Absent – 0**

**Dan Evans opened the public hearing for Linda Eckman, 51 Frederick Blvd, Jamestown, NY 14701 for a special use permit for a tax office in the home, pursuant to Section 146-7 of the Town of Ellicott Zoning and Planning Code. Said premises are described on the Town of Ellicott tax maps as Section 386.11 Block 2 Lot 43**

**The Board tabled the request for December’s meeting.**

**Dan Evans opened the public hearing for Robert Greenwald, 3138 Eckman Rd, Jamestown, NY 14701 for an area variance for a second garage, pursuant to Section 146-7 of the Town of Ellicott Zoning and Planning Code. Said premises are described on the Town of Ellicott tax maps as Section 353.00 Block 3 Lot 425**

Attorney Duncanson swore in Robert Greenwald.

**Robert Greenwald stated that:**

- The Garage will be 54x40 ft. and will set parallel to the house but not attached to it with 2 garage doors (16ft and 12ft) and 2 windows on the rear and 2 on the side.
- The property is over 8 acres and the garage will sit 300ft back from the road and will be blocked by vegetation.

- Siding will match the house and it will have a concrete floor and apron. The Driveway will remain gravel.
- There will be inside lighting and one outside light between the garage and the house.
- The garage will be for personal use only. To store antique tractors, snow removal equipment and vehicles.

**Pat Martonis made a motion, seconded by Ken Lyon to approve the area variance for a second garage for Robert Greenwald, 3138 Eckman Rd, Jamestown, NY 14701 pursuant to Section 146-7 of the Town of Ellicott Zoning and Planning Code. Said premises are described on the Town of Ellicott tax maps as Section 353.00 Block 3 Lot 25. The second garage will be 54x40ft and 40ft from the north property line the entire property is approx. 8 acres. It will be even with the house and 350ft from the road. There is plenty of vegetation that will hide the garage. The drive way is gravel but the garage will have a concrete floor and apron. The outdoor lighting will only face the house. It will match the house and will only be used to store personal items (no commercial use). There will be water and electric in the garage but there will not be a shower like the plans show. There will be two windows and two garage doors (16ft and 20ft.). No excavating in necessary.**

**Carried.                    Ayes – 5                    Noes – 0                    Absent – 0**

**Dan Evans opened the public hearing for Rebecca Toner OBO Storke Renewables, LLC, 3365 N Main St Ext, Jamestown, NY 14701 for a special use permit and site plan review for a solar farm pursuant to Section 146-15 and 146-79 of the Town of Ellicott Zoning and Planning Code. Said premises are described on the Town of Ellicott tax maps as Section 353.00 Block 1 Lot 26.2**

**The Board tabled the request for December's meeting.**

**Dan Evans opened the public hearing for Terry Catanese, 1917 E Main St, Falconer, NY 14733 for a site plan review, pursuant to Section 121 of the Town of Ellicott Zoning and Planning Code. Said premises are described on the Town of Ellicott tax maps as Section 354.20 Block 1 Lot 2.**

Attorney Duncanson swore in Terry Catanese and Brenda Rissel.

**Terry Catanese stated that:**

- The building for a used car office will be 12x16ft shed.
- He plans on selling up to 5 cars at one time on the lot.
- He plans on either hooking up to electric or using a generator for electricity.

**Brenda Rissel stated that:**

- She is concerned that there will be cars on her property due to the shape of Catanese’s parcel.
- She is afraid the car lot will bring property value down for her property and the neighbors.
- Is afraid that customers traveling down the driveway will cause a safety concern for children.
- She also feels that the back of the property is a wetland and having the business there could impact the wildlife.

**Pat Martonis made a motion, seconded by Valerie Pierce to table the site plan review, pursuant to Section 121 of the Town of Ellicott Zoning and Planning Code. Said premises are described on the Town of Ellicott tax maps as Section 354.20 Block 1 Lot 2. This is due to the lack of physical proof of the proposed site plan by Terry Catanese.**

**Carried.                    Ayes – 5                    Noes – 0                    Absent – 0**

**Dan Evans opened the public hearing for Steven Pulleo, 2915 Ivystone Dr, Jamestown, NY 14701 for a use variance for a shed on a vacant parcel, pursuant to Section 146-7 of the Town of Ellicott Zoning and Planning Code. Said premises are described on the Town of Ellicott tax maps as Section 369.00 Block 1 Lot 7**

Attorney Duncanson swore in Steven Pulleo and Carol Pulleo

**Steven Pulleo stated that:**

- He has a shed on a vacant lot of land of 45 acres which is against zoning laws in the town.
- The shed stores tools, lawn care equipment and a chainsaw which he uses to take care of the land.

Attorney Duncanson stated that having an accessory building without a primary residence is the issue and it is New York State law section 267b sub division 2. In order for the board to grant a use variance, certain criteria must be met.

1. The applicant cannot realize a reasonable return.
2. The hardship is unique and does not apply to a substantial portion of the district.
3. The request of the variance will not alter the essential character of the neighborhood.
4. The alleged hardship is not self-created.

**Pat Martonis made a motion, seconded by Paul Volpe to deny the use variance for Steven Pulleo, 2915 Ivystone Dr, Jamestown, NY 14701 pursuant to Section 146-7 of the Town of Ellicott Zoning and Planning Code. Said premises are described on the Town of Ellicott tax maps as Section 369.00 Block 1 Lot 7. The denial is given on the basis of an accessory building in a building lot.**

**Carried.**            **Ayes – 5**            **Noes – 0**            **Absent – 0**

**Dan Evans opened the public hearing for UCAN City Mission, 484 Fairmount Ave, Jamestown, NY 14701 for a use variance for rescue shelter in a profession office zone, pursuant to Section 146-18 of the Town of Ellicott Zoning and Planning Code. Said premises are described on the Town of Ellicott tax maps as Section 386.08 Block 3 Lot 30**

Attorney Duncanson swore in Michael Panebianco, Jeff Rotunda, Gary Lynn, Shane Uber, Tyler Uber and Alyssa Uber.

**Michael Panebianco stated that:**

- The UCAN Mission is looking to open a rescue shelter for women with children. The women living here would be held responsible for helping around the home and coming and going within an established curfew.
- The hardship is unique in the fact that the property previously held a retirement home.
- The character of the neighborhood would not be altered because it is mostly residential.
- If the use variance is approved then UCAN Mission will purchase the property from Gary Lynn for \$60,000.

**Gary Lynn stated that:**

- He purchased the property about 3years ago.
- He had the property on the market with no interest.
- It would be very costly to abate the asbestos and fix necessary repair required from the property being broken into and have squatters reside inside.
- The rooms inside are too small for offices which would require even more renovations.

**Shane Uber stated that:**

- He owns property next door to 484 Fairmount Ave that will be opening a medical office and feels that the rescue shelter would not be ideal.
- He feels that the applicant has not satisfied the burden of proving that the hardship was not self-imposed or that the owner is unable to realize a reasonable return.
- He hopes the board disallows the use variance.
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**Pat Martonis made a motion, seconded by Paul Volpe to deny the use variance UCAN City Mission, 484 Fairmount Ave, Jamestown, NY 14701 pursuant to Section 146-18 of the Town of Ellicott Zoning and Planning Code. Said premises are described on the Town of Ellicott tax maps as Section 386.08 Block 3 Lot 30. The denial is on the basis that the board feels the applicant failed to provide**

**adequate proof that the owner cannot realize a reasonable return, the hardship is unique to the neighborhood, the characteristics of the neighborhood would not be changed and that the hardship was not self-inflicted by the owner.**

**Carried.            Ayes – 5            Noes – 0            Absent – 0**

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

**Carried.            Ayes – 5            Noes – 0            Absent - 0**

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Danielle Calkins, Secretary