*********PRELIMINARY DRAFT*********

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 JUNE 18, 2026, AT 5:30 P.M.

PRESENT: Dan Evans, Paul Volpe, Patricia Martonis, Ang Cimo, Code Enforcement Officer Brandon Shelters, and Secretary Kendra Newman

ABSENT: Valerie Pierce, Ken Lyons and Attorney Marilyn Fiore-Lehman

Chairman Dan Evans opened the meeting at 5:30 PM and led in the Pledge of Allegiance.

Motion made by Paul Volpe, seconded by Patricia Martonis, to approve the minutes of the May 21, 2026, meeting.

Carried. Ayes – 4 Noes – 0 Absent – 2

Chairman Dan Evans swore in Dennis Herzog, Michael Welsh, John Martin, Ryan Snow, Jay Taylor, Jamie and Jill Gilbert, Jerry and Mary Pischera, and Scott Graham.

Chairman Dan Evans opened the public hearing for Anh Lam, 75 Warwick Rd, Jamestown, NY, for setback variances for a swimming pool. Said premises are described on the Town of Ellicott tax maps as Section 386.12 Block 1 Lot 62.

Dennis Herzog (representing Anh Lam) stated:

- Small yard – 10 ft from the house is not feasible.
- Pool would be 7.5 ft from edge of house and 4 ft from edge of shed.
- Pine trees in the way.
- Pool is above ground - 14 ft diameter and 42 inches deep.
- Yard is already fenced in.
- Pool alarm and removable ladder will be installed.
- Patio is 8 ft off back of the house.
- Drainage issues in yard.

The Board asked Mr. Herzog if the trampoline, swing set or shed could be moved to allow for the 10 ft setbacks to be met. The Board also discussed the criteria for the granting of variances (self-created, substantial, adverse impact on neighborhood, and can be achieved in another manner). The Board asked Mr. Herzog to return the next meeting with detailed plans showing the exact distance between the shed, house and pool.

Patricia Martonis made a motion, seconded by Ang Cimo, to table the setback variances for a swimming pool for Anh Lam, 75 Warwick Rd, Jamestown, NY, until specific plans to conform to state and town setbacks are submitted to the Code Office. Said premises are described on the Town of Ellicott tax maps as Section 386.12 Block 1 Lot 62.

Tabled. Ayes – 4 Noes – 0 Absent – 2

Chairman Dan Evans opened the public hearing for Michael Welsh, 2769 Bentley Ave, Jamestown, NY, for an area variance for a vinyl fence. Said premises are described on the Town of Ellicott tax maps as Section 369.10 Block 4 Lot 25.

Michael Welsh stated:

- Would like to put up a privacy fence – 8 ft high along back and 5 ft sides.
- Landscaping bed will be ripped out.
- Backyard will be totally enclosed for privacy and dog.
- There will be 2 gates – one single and one double gate.

The Board advised Mr. Welsh that 6 ft high is allowable without a variance. He was also advised that the fence has to be 25 feet off the center of both Brown Street and Bentley Avenue.

Patricia Martonis made a motion, seconded by Paul Volpe, to approve the vinyl fence at 2759 Bentley Ave, Jamestown, NY, contingent upon the fence being 6 ft high and meeting on site with code and highway superintendent to determine setbacks which will be within Town code. Said premises are described on the Town of Ellicott tax maps as Section 369.10 Block 4 Lot 25.

Carried. Ayes – 4 Noes – 0 Absent – 2

Chairman Dan Evans opened the public hearing for John Martin, 2852 Clifton Ave, Jamestown, NY, for an area variance for a 36 ft x 60 ft pole barn which is over the allowable square footage. Said premises are described on the Town of Ellicott tax maps as Section 353.00 Block 4 Lot 30.

John Martin and Ryan Snow, Contractor, stated:

- Would like to build a 36 ft x 60 ft pole barn on property – over allowable sq footage.
- Pole barn will be 100 ft from house.
- Buffer of trees on the side with neighbors.
- Will be for personal use only.
- Personal gym will be in 1/3 of building – rest of building will be storage (mower, tractor, etc.).
- 10 ft x 16 ft shed is already on property.
- Will have electricity – no plumbing.
- Electric will come off existing pole.
- A garage door and man door on the side with existing gravel driveway.
- Will be two-toned metal.
- Indoor lighting only – no exterior lights
- No windows.
- Concrete floor.
- Metal roof – peak will be 18 ft.
- Stamped plans will be provided.

Patricia Martonis made a motion, seconded by Ang Cimo, to approve the area variance for a 36 ft x 60 ft pole barn for John Martin, 2852 Clifton Ave, Jamestown, NY. The building will have a concrete floor and have a two-toned metal exterior. There will be electricity only (indoor lights only), no plumbing, a man door and an overhead garage door. The peak of the roof will be 18 feet. Stamped plans will be provided

with the specifics. Said premises are described on the Town of Ellicott tax maps as Section 353.00 Block 4 Lot 30.

Carried. Ayes – 4 Noes – 0 Absent – 2

Chairman Dan Evans opened the public hearing for Taylor Property Development Group, LLC, E Main St Ext, Falconer, NY, for a site plan review for a gravel lot for construction equipment and a sign variance. Said premises are described on the Town of Ellicott tax maps as Section 354.00 Block 1 Lot 33.1 and Section 354.19 Block 1 Lot 1.

Jay Taylor stated:

- Has a contract to purchase lots – contingent upon site plan review and sign variance approval.
- Would like to put in gravel lot with construction equipment.
- Expansion to put in building within 5 to 10 years depending on economics.
- Submitted permits with DEC.
- EcoStrategies did study and map showing wetlands.
- Purchasing 2 parcels.

Jamie and Jill Gilbert (neighbors) stated:

- Creek floods – water does get close to road.
- Have kayaked behind lot.
- Have seen carp fish there.
- What happens to neighboring properties if they build up the lot.
- Floods between their house and Forecon.
- Would it put location in a flood zone.

Jerry and Mary Pischera (neighbors) stated:

- Own farm on Falconer side of property.
- State owns woods behind their property.
- Concerned about lighting.
- Harley Davidson lights already shine in windows.

Mr. Taylor stated:

- 10 ft green space around property.
- No buffer for neighbors in Phase 1.
- Under an acre will be gravel for parking equipment.
- Is a retail dealer for companies – selling equipment.
- No fence will be installed.
- Six lights on plans – will adjust lights if bother neighbors.
- Limestones in front of property.
- Phase 1 of project is the gravel lot.
- Driveway will be gravel.
- Will use a trailer for a temporary office.

- Will have electric.
- Hours will be 9 am to 5 pm Monday thru Friday and 9 am to 3 pm on Saturdays.
- Winter hours may be different.
- Phase 2 expansion of gravel lot and put a building on lot.
- All setbacks will be met at the time of Phase 2.
- Phase 2 will use EcoStrategies to avoid drainage issues.
- Will not put equipment on lot until gravel is in.
- Will be a dealership not a junkyard – everything will be organized.

The neighbors expressed a desire to <u>not</u> be in a flood zone. They also expressed an interest in a visual barrier for their views and buffering when Phase 2 begins.

Scott Graham (architect) asked the Board if they could approve Phase 2 at this time. The Board advised it cannot be approved at this time. Code Officer Shelters advised that the project is an allowable use in a mercantile zone but a site plan review will be required at the time of Phase 2 for the construction of a building and lot expansion.

Mr. Taylor stated:

- Sign will be 6 ft x 10 ft with the dealer brand logos on the bottom for a total of 9 ft x 10 ft.
- Sign will be double signed.
- Sign will be on an aluminum pole.
- Sign will be internally illuminated.

Patricia Martonis made a motion, seconded by Ang Cimo, to accept the Phase 1 site plan for Taylor Property Development Group, LLC, E Main St Ext, Falconer, NY, as the plans indicate and to accept the sign variance for 9 ft x 10 ft two-sided, internally illuminated sign, on an aluminum pole with no movable graphics. Applicant has agreed, with the neighbors' input, lighting will be reduced to four lights. The applicant will be bringing his equipment in through a gravel driveway. The applicant wishes for the zoning to remain mercantile. Neighbors will be notified before Phase 2 begins. Said premises are described on the Town of Ellicott tax maps as Section 354.00 Block 1 Lot 33.1 and Section 354.19 Block 1 Lot 1.

Carried. Ayes – 4 Noes – 0 Absent – 2

Motion made by Patricia Martonis, seconded by Paul Volpe, to adjourn the meeting at 7:03 PM.

Carried. Ayes – 4 Noes – 0 Absent – 2

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Kendra Newman, Secretary