

# TOWN CLERK'S MONTHLY REPORT

TOWN OF ELLERY, NEW YORK

DECEMBER, 2022

TO THE SUPERVISOR:

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Pursuant to Section 27, Subd 1 of the Town Law, I hereby make the following statement of all fees and moneys received by me in connection with my office during the month stated above, excepting only such fees and moneys the application and payment of which are otherwise provided for by Law:

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## A1255

<u>4</u>	DECALS	<u>5.46</u>	
<u>2</u>	MARRIAGE LICENSES NO. 22022 TO 22023	<u>35.00</u>	
<u>48</u>	DEATH CERTIFICATES	<u>480.00</u>	
<b>TOTAL TOWN CLERK FEES</b>			<b>520.46</b>

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## A2544

<u>30</u>	DOG LICENSES	<u>155.00</u>	
<b>TOTAL A2544</b>			<b>155.00</b>

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## B2110

<u>3</u>	BUILDING PERMITS	<u>325.00</u>	
<u>3</u>	FIRE INSPECTION COM.	<u>75.00</u>	
<b>TOTAL B2110</b>			<b>400.00</b>

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# TOWN CLERK'S MONTHLY REPORT

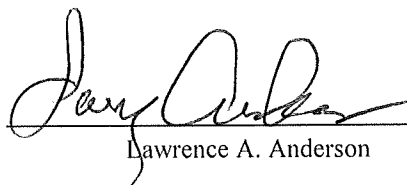
DECEMBER, 2022

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## DISBURSEMENTS

PAID TO SUPERVISOR FOR GENERAL FUND	675.46
PAID TO SUPERVISOR FOR PART TOWN FUND	400.00
PAID TO NYS DEC FOR DECALS	281.54
PAID TO NYS ANIMAL POPULATION CONTROL PROGRAM	32.00
PAID TO NYS HEALTH DEPT FOR MARRIAGE LICENSES	45.00
<b>TOTAL DISBURSEMENTS</b>	<b>1,434.00</b>

JANUARY 5, 2023

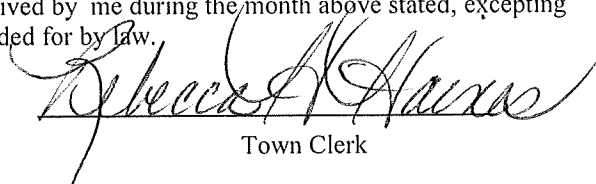


, SUPERVISOR

Lawrence A. Anderson

## STATE OF NEW YORK, COUNTY OF CHAUTAUQUA, TOWN OF ELLERY

I, REBECCA H. HAINES, being duly sworn, says that I am the Clerk of the TOWN OF ELLERY that the foregoing is a full and true statement of all Fees and moneys received by me during the month above stated, excepting only such Fees the application and payment of which are otherwise provided for by law.



Town Clerk

**TOWN OF ELLERY**  
**ZONING OFFICER'S REPORT**

December 2022

December Permits                      \$325.00

**Complaints & Investigations:**

Joshua Link  
SBL# 284.00-1-44  
5395 Route 380

Received multiple complaints for inoperable vehicles, dismantling vehicles, and multiple campers – Sent violation notices; court date August 1, 2022 arraigned; on August 30, 2022 no show; on September 26, 2022 no show; October 11, 2022 Mr. Link showed up to Court stated that he's removed multiple vehicles and campers, and is working on the remaining. Court date on November 7, 2022 was a no show, rescheduled for November 21, 2022. Mr. Link showed up, and stated that he was moving everything to his new place in Stockton. New court date scheduled January 9, 2023.

Peter B Evert  
SBL# 333.00-1-29  
3772 Route 430

Abandoned Vehicle – missed court on July 30, 2018 and on August 13, 2018, was in the Court's hands. November I received a new address from the neighbor, sent 2 violation notices then an appearance ticket to Mr. Evert. In the Court's hands. Finally heard from Mr. Evert after almost 2 years. Mr. Evert is going to work with the Zoning Officer and with the Court. Court notified me that Mr. Evert has been missing the last 3 court appearances. Court was scheduled for November 23<sup>rd</sup>, and Mr. Evert was not present. As of December 2020, the Courts have been closed. Went to Court on July 26<sup>th</sup>, August 23<sup>rd</sup>, September 20<sup>th</sup>, October 18<sup>th</sup>, November 1<sup>st</sup>, and Mr. Evert was unable to attend due to medical reasons. Town Attorney is going to try to get ahold of Mr. Evert. On September 26, 2022 the Judge asked the Town Attorney for an update and Mr. Evert really would like to go through the items in the truck before he removes it off the property. Mr. Evert is in a nursing home or hospital at the moment. Waiting to hear back from the Town Attorney on what the next step will be.

(December 2022 Zoning Report Continued)  
(Complaints Continued)

Karen Johnson  
SBL# 315.04-1-16  
4383 Route 430

Fence Issues – Sent Violation Notice. 1) Fence was constructed, which does not follow the survey that was given to the Zoning Board of Appeals. 2) The fence was supposed to be a continuation of the neighbor's fence but it was constructed inches behind the neighbor's fence. 3) The portion of the fence that was constructed parallel with Route 430 is 4'7" further than the property line according to the survey marker that is physically located on the property. I have requested the survey that was recently done, and Ms. Johnson stated that she didn't receive any paperwork. As of October 30<sup>th</sup>, I never received an updated survey, or any paperwork in regards to going back to the Zoning Board of Appeals. Court date was set for November 23<sup>rd</sup>. Town Attorney was not present, and the Judge declined to hear any information. I did request for it to be the following Monday, November 30<sup>th</sup> to get the issue resolved, but the Judge adjourned to January 4<sup>th</sup>. As of December 2020, the Courts have been closed. Court was scheduled on July 26<sup>th</sup>, and Ms. Johnson's attorney requested an adjournment for August 23, 2021. Once again, Ms. Johnson's attorney requested another adjournment, the Court granted another one, and is now scheduled for September 20, 2021. Court has been adjourned until further notice, as Ms. Johnson is now taking the neighbor to Supreme Court regarding the property line. On October 14, 2021, Mr. Caruso presented a legal survey showing that Ms. Johnson's fence is located on his property, I presented to the Court, and waiting to hear back as to if we can still bring Ms. Johnson back into Court while they are going to Supreme Court as well. The survey clearly shows that Ms. Johnson is in the wrong in which the fence needs to be removed. Still waiting to hear back from Supreme Court. Supreme Court has stated that this case can be heard in the Town Court now. Scheduled Court date was June 20, 2022. Ms. Johnson's attorney requested another adjournment, court was scheduled for July 25, 2022. Ms. Johnson's attorney requested another adjournment and court was scheduled for August 29, 2022. Ms. Johnson's attorney requested another adjournment and court was scheduled for September 26, 2022. Court was held on September 26<sup>th</sup>, and adjourned until October 11<sup>th</sup> to receive a final answer from Ms. Johnson on whether she is finally going to fix the fence according to the zoning approval, or there will be a weekly fine assessed. On October 11<sup>th</sup>, Judge Wallace granted a 6 month adjournment in contemplation of dismissal and allowing 60 days to get the fence into compliance with the decision of the Zoning Board of Appeals, which the fence should be fixed by December 10, 2022, unless there is a workorder with an estimated date of completion by the fence company. Judge Wallace has scheduled a status check for November 7, 2022. Mr. Bailey stated he needed a week for the survey to be completed. Judge Wallace scheduled the next court date for November 21, 2022. Mr. Bailey did not have the completed survey. Next scheduled court date is January 9, 2023.

(December 2022 Zoning Report Continued)

Meetings:

Town Board Monthly Meeting                      12/13/2022

Zoning Board Meeting                                12/05/2022

Kimberly Reading  
3950 S Clifford Avenue  
Bemus Point, NY        SBL# 333.13-3-59  
Special Use to construct a 6' high fence – Approved

Earl Johnson  
3975 N Everett Avenue  
Bemus Point, NY        SBL# 333.13-2-14  
Special Use to construct a 6' high fence – Approved

Cindy L Cavalier-Janson  
3561 Colburn Drive Rear  
Bemus Point, NY        SBL# 350.12-1-38  
Area Variance for a generator – Approved

Heather Lord (property owned by Thomas and Linda Andrews)  
Griffiths Bay  
Bemus Point, NY        SBL# 368.07-2-15  
Area Variance to construct a residence – Approved

Respectfully Submitted,

Anne Golley  
Zoning Officer  
January 9, 2023

**Town of Ellery**  
**Building and Code Enforcement**  
**Monthly Report December 2022**

January 9, 2023

December Mileage: 87 mi.

Building Permits Issued: 3

Certificates of Occupancy Issued: 1

Complaints Investigated: 2

12/2: Homestead Café – Rt. 430 – Inspection for Fire Cleanup. Site has been cleared of remaining  
Debris and material is being brought in to fill hole.

ODOM 42647-42658 mi.

12/5: Greenman Property (Joshua Link) – 5395 Rt. 380 – Inspection of Junk Cleanup for Court Hearing.  
Very little progress made.

Town Court – Hearings for Delanti LLC (Homestead Café ) and Joshua Link (5395 Rt.380)

Homestead Café site has been cleaned up – Case Dismissed  
Mr. Link has made very little progress on the cleanup of the  
Junk at 5395 Rt. 380. Court gave him another month to show  
Some progress.

ODOM 42668-42688 mi.

12/9: BPUMC – 4954 Bemus Ellery Rd. – Fire Inspection

Bemus Point Inn – 4948 Main St. – Final Inspection – Deck and Stairs – Passed

ODOM 42688-42694 mi.

12/12: Bemus Point Inn – 4958 Main St. – Fire Inspection

ODOM 42694-42700 mi.

12/16: Heritage Green – 3023 Rt.430 – Fire Inspection

Christ Lutheran Church – 3010 Rt. 430 – Fire Inspection

Rt. 430 Market – 3018 Rt. 430 – Fire Inspection

Steener's Pub - 3022 Rt. 430 – Fire Inspection

12/16: House That Jack Built – 3041 Rt. 430 – Fire Inspection

ODOM 42710-42724 mi.

12/19: Bridgeview – 4910 Main St. – Fire Inspection

Chautauqua Brick – 3790 Rt. 430 – Fire Inspection

St. Timothy Lutheran Church – 3748 Rt. 430 – Fire Inspection

ODOM 42740-42746 mi.

12/20: Dollar General – 4884 Rt. 430 – Fire Inspection

Green Door Tavern – 4739 Rt. 430 – Fire Inspection

ODOM 42746-42758 mi.

12/21: Guppy's – 4663 Rt. 430 – Fire Inspection

Lake Chautauqua Lutheran Camp -5013 Rt. 430 – Fire Inspection

Mission Meadows – 5201 Rt. 430 – Fire Inspection

ODOM 42758-42774MI.

12/30: VFW – 4498 Dutch Hollow Rd. – Fire Inspection

Respectfully Submitted,

Robert P. Samuelson

Code Enforcement Officer

Town of Ellery

**TOWN OF ELLERY  
ASSESSOR'S OFFICE**

**25 Sunnyside Avenue ▪ Bemus Point, New York 14712**

**Phone (716) 386-3465 Ext. 207 ▪ Fax (716) 386-6948**

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**DATE: January 9, 2023**

**TO: Supervisor Anderson and Town Board**

**FROM: Anne Golley, Assessor**

**SUBJ: December Assessor's Report**

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Working on data collection for new construction and demolition is in process.

The office has been working closely with the Town Clerk's Office now that the 2023 Town and County Tax Bills have been mailed.

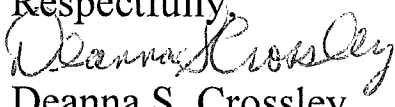
Thank you again for all your continued support of the Assessor's office.



TOWN OF ELLERY JUSTICE REPORT  
DECEMBER 2022

JUSTICE FERRARA	FINES	\$ 2,094.00
	CIVIL FEES	\$ 20.00
	<u>SURCHARGES</u>	<u>\$ 981.50</u>
Check #189	TOTAL	\$ 3,095.50

JUSTICE WALLACE	FINES	\$ 1,517.00
	CIVIL FEES	\$ 0.00
	<u>SURCHARGES</u>	<u>\$ 558.00</u>
Check #180	TOTAL	\$ 2,075.00

Respectfully,  
  
Deanna S. Crossley  
Ellery Court Clerk