

TOWN CLERK'S MONTHLY REPORT

TOWN OF ELLERY, NEW YORK

JANUARY, 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:

A1255			
	<u>48</u>	DEATH CERTIFICATES	<u>480.00</u>
TOTAL TOWN CLERK FEES			480.00
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A2190			
	<u>2</u>	GRAVE SPACES	<u>2,100.00</u>
TOTAL A2190			2,100.00
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A2192			
	<u>1</u>	BURIAL	<u>925.00</u>
	<u>1</u>	CREMATIONS	<u>625.00</u>
TOTAL A2192			1,550.00
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A2530			
	<u>2</u>	GAMES OF CHANCE LICENSES	<u>20.00</u>
TOTAL A2530			20.00
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A2544			
	<u>44</u>	DOG LICENSES	<u>240.00</u>
TOTAL A2544			240.00
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A2770			
	<u>1</u>	MISCELLANEOUS REVENUE	<u>71.65</u>
TOTAL A2770			71.65
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B2110			
	<u>1</u>	ZONING BOOKS	<u>25.00</u>
	<u>4</u>	BUILDING PERMITS	<u>517.00</u>
	<u>2</u>	SPECIAL USE HEARING	<u>100.00</u>
	<u>1</u>	USE VARIANCE	<u>100.00</u>
	<u>1</u>	BUILDING W/O PERMIT	<u>100.00</u>
	<u>7</u>	FIRE INSPECTION COM.	<u>175.00</u>
	<u>2</u>	AREA VARIANCE	<u>60.00</u>
TOTAL B2110			1,077.00

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DISBURSEMENTS

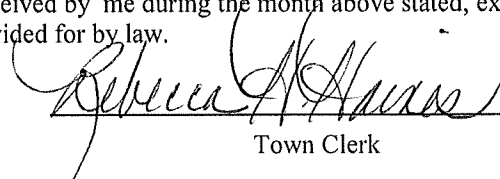
PAID TO SUPERVISOR FOR GENERAL FUND	4,461.65
PAID TO SUPERVISOR FOR PART TOWN FUND	1,077.00
PAID TO NYS ANIMAL POPULATION CONTROL PROGRAM	52.00
PAID TO STATE COMPTROLLER FOR GAMES OF CHANCE LICENSES	30.00
TOTAL DISBURSEMENTS	5,620.65

FEBRUARY 1, 2022

_____, SUPERVISOR
ARDEN E JOHNSON

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

January 2022

\$517.00

Planted trees on property line and to close to the road. Sent letter

Boat Storage – Sent Violation Notice. Boat Storage is not an allowed use in the R1 District. Going to Court on March 7, 2022.

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 23rd, and Mr. Evert was not present. As of December 2020, the Courts have been closed. Went to Court on July 26th, August 23rd, September 20th, October 18th, November 1st, and Mr. Evert was unable to attend due to medical reasons. Town Attorney is going to try to get ahold of Mr. Evert.

Complaint received regarding a private campground and camper that's not allowed – Sent Letter, mail was returned. Sent violation notice in care of Michael Carcione to his brother, Philip Carcione's address. Sent appearance ticket for Court held on August 23rd, Mr. Carcione appeared in Court, requested an attorney, and it was adjourned. Went to Court on September 20th, Mr. Carcione was a no show. Went to Court on October 18th, and Mr. Carcione was unable to attend due to medical reasons. Court was held on November 1st, Mr. Carcione did appear, but with no Attorney to represent, and it was once again adjourned until after medical treatment is finished. Court was held on January 3, 2022, and Mr. Carcione did not show, stated he just done with treatments, and it was adjourned. Court was held on February 7, 2022, Mr. Carcione didn't show, didn't call, the judge adjourned once again. I'm requesting a contempt of Court.

Complaints (Continued)

Patrick Luciareello
SBL# 298.00-1-32
4918 Route 430

Complaint received in regards to occupancy of a camper and for 3 unlicensed vehicles

– Sent violation notices; Nothing has been done, sent appearance ticket for Court, August 23, 2021. Mr. Lucariello appeared at Court, and requested an adjournment. Went to Court on September 20th, October 18th, and Mr. Lucariello was unable to attend due to Attorney reasons. Court was held on November 1st, and Mr. Lucariello stated that he was moving the camper to Maryland. Property has been reviewed since court, and the camper is now moved out back. Town Attorney is now pursuing County Court with Mr. Lucariello.

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 30th, 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 23rd. Town Attorney was not present, and the Judge declined to hear any information. I did request for it to be the following Monday, November 30th to get the issue resolved, but the Judge adjourned to January 4th. As of December 2020, the Courts have been closed. Court was scheduled on July 26th, 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.

Meetings:

Town Board	1/13/2022	Cancelled
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(January 2022 Zoning Report Continued)

Meetings (Continued)

Zoning Board of Appeals 1/18/2022

Paul Andruszko
3719 Pleasant Avenue
Jamestown, NY SBL# 369.09-2-35
Area Variance to demo and rebuild a larger addition – Approved

Scott Allen Martin
4404 Lakeside Drive
Bemus Point, NY SBL# 315.04-1-15.1
Area Variance to construct a covered front porch – Approved

David E & Laurie L Miller
4958 Main Street
Bemus Point, NY SBL# 333.13-2-16
Use Variance for a Drive Thru area with a speaker, and a lighted sign - Approved

Respectfully Submitted,

Anne Golley
Zoning Officer
February 8, 2022

Town of Ellery
Building and Code Enforcement
Monthly Report January 2022

February 7, 2022

January Mileage: 74 mi.

Building Permits Issued:

Certificates of Occupancy Issued: 2

Complaints Investigated: 0

- 1/3: Wiley Residence – 4718 Chautauqua Ave. – Framing Inspection – Passed
Oliverio- 4831 Lewis Rd. – Progress Inspection
ODOM 40337-40347 mi.
- 1/5: Ellery Center Fire Department – 4400 Dutch Hollow Rd. – Fire and Safety Inspection
Landy Residence – 4850 Slide Rd. – Framing/ Pole Barn – Passed
Sivak Residence – Bayview Rd. – Framing Garage & House interior – Passed
Klaich Residence – 3933 S. Nesmith Ave. – Framing/Garage Addition – Passed
Bentley Residence – 3675 Crestview Dr. – Insulation Inspection/Garage – Passed
Lausterer Property – 3677 Crestview Dr. – Footer Inspection – Passed
ODOM 40347-40363 mi.
- 1/6: Fazio Residence – 4355 Kent Lane – Framing/Garage – Passed
ODOM 40390-40396 mi.
- 1/12: Cardinale Residence – 5013 Ellery Centralia Rd. – Framing/ Pole Barn Garage – Needs metal
Strapping
ODOM 40399-40410 mi.
- 1/13: Lausterer Property – 3677 Crestview Dr. – Foundation/Basement Floor Inspection – Passed
Gustafson Property – 4594 Mahanna Rd. – Postholes/Deck – Passed
ODOM 40432-40445 mi.
- 1/26: Klaich Residence – 3933 S. Nesmith Ave. – Final Inspection/Garage Addition – Passed
ODOM 40452-40458 mi.
- 1/28: 3487 Driftwood Rd. – Final Inspection for Generator Installation at Cell Tower – Could not
Inspect due to depth of snow on property.

1/28: Steeners' Pub – 3022 Rt. 430 – Met with Contractor and owner to discuss issues involving
The need for a sprinkler system in the building. Has been
Referred to the Department of State for a possible variance.

ODOM 40493-40504 mi.

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

DATE: **February 8, 2022**

TO: **Supervisor Johnson and Town Board**

FROM: **Anne Golley, Assessor**

SUBJ: **January Assessor's Report**

The office is still continuing to receive the renewals for the 2022 Aged exemptions, Disability exemptions, and the Agricultural Exemptions. Second notices have been mailed for the exemptions that need to be renewed by March 1st.

Working on data collection for new construction and demolition is in process and will be completed for the mailing of the 2022 Change of Assessment notices during the first part of May.


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

TOWN OF ELLERY JUSTICE REPORT
JANUARY 2022

JUSTICE FERRARA	FINES	\$ 4,490.00
	CIVIL FEES	\$ 0.00
	<u>SURCHARGES</u>	<u>\$ 2,259.00</u>
Check #176	TOTAL	\$ 6,749.00

JUSTICE WALLACE	FINES	\$ 4,081.00
	CIVIL FEES	\$ 5.00
	<u>SURCHARGES</u>	<u>\$ 2,002.00</u>
Check #167	TOTAL	\$ 6,088.00

- The 2021 Justice books are ready for review.
- A JCAP grant was awarded for \$89.99 (Plexiglass sheild for the justice bench).

Respectfully,

Deanna S. Crossley
Ellery Court Clerk