



**WILLIAM NELSON
CHIEF**

**TOWN OF CARROLL PD
CHAUTAUQUA COUNTY**

MONTHLY REPORT JUNE 2021

**TOTAL INCIDENTS: 224
YEAR TO DATE: 1162**

**TRAFFIC TICKETS ISSUED: 15
(0) AGGRAVATED UNLICENSED OPERATION
(0) SUSPENDED REGISTRATION
(0) DRIVING WHILE INTOXICATED
YEAR TO DATE: 114**

**WARNING TICKETS ISSUED: 6
YEAR TO DATE: 33**

PARKING TICKETS ISSUED: 0

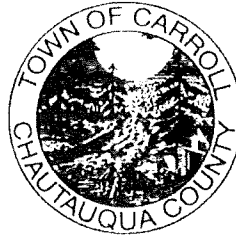
ARRESTS (CRIMINAL): (0)

ALL DRUG RELATED OFFENSES: 0

MOTOR VEHICLE ACCIDENT: 0

WILLIAM R. NELSON, CHIEF

TOWN OF CARROLL
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Frewsburg, New York 14738
Phone (716) 569-5365
Fax (716) 569-6331



Attachment # 2
**CODE & ZONING
ENFORCEMENT**
Alan Gustafson
Code Enforcement Officer

July 15, 2021

To the Members of the Carroll Municipal Board,

On June 14, 2021, the Town of Carroll Zoning Board of Appeals unanimously approved a Use Variance and a Special Use Permit request for the conversion of the former White's Lawnmower Sales facility located at 10 White Drive, to an indoor climate controlled self-storage facility.

The Use Variance requested by the owner of the property, Stephan White, was necessary due to these parcels being zoned as R-2, Residential and self-storage units are not permitted by right in this district. Since the parcels on the south side of White Drive were previously zoned as I-1, Industrial, prior to the last update of the Zoning Law and Zoning Map in 2004, a hardship was demonstrated, and the Use Variance was granted.

The Special Use Permit was subsequently granted to Johnathan Blanchard, for the operation of and indoor, climate controlled, self-storage facility. No changes to the building are being proposed. It was also noted that the construction of a new self-storage facility was recently approved by the Zoning Board of Appeals, Planning Board and Municipal Board, on the adjacent property to the east, owned by Robert Gray.

Since a Use Variance was required to be issued before the Special Use Permit, Article IX, Section 905(C) of the Zoning Law, requires a referral to the Municipal Board and Planning Board for their respective recommendation to the Zoning Board of Appeals. If a recommendation is not made, the request will be deemed approved. See attached Article IX, Section 905(C).

Your consideration in this matter is requested.

Respectfully Submitted,

Alan P. Gustafson
Code Enforcement Officer

**ARTICLE IX
ZONING BOARD OF APPEALS**

SECTION 901 CREATION

A Zoning Board of Appeals is hereby created. Said Board shall be appointed and function in accordance with the enabling Law. Said Board shall consist of five (5) members. The Board may prescribe for its affairs. Should any Board member have four (4) consecutive unexcused absences, this shall constitute grounds for removal pursuant to Section 267 (9) of Town Law.

SECTION 902 GENERAL PROCEDURES (DUTIES)

- A. Duties - The Zoning Board of Appeals shall act in strict accordance with procedures specified by Law and by this Zoning Law. The major duties of the Board shall be to hear and decide on variance requests as well as to interpret the meaning of the Zoning Law as requested. Additionally, they shall hear requests for selected Special Use Permits when a Variance (Use or Area) is also required.
- B. Format for Requests - All requests shall be in writing on forms prescribed by the Zoning Board of Appeals. Specific provisions of the Zoning Law shall be referred to and as a minimum, the following information shall be provided by the person requesting the variance/interpretation:
1. property identification;
 2. project description;
 3. drawing of sufficient detail to provide needed information sufficient to decide on the request;
 4. reasons for permit denial;
 5. proof of unnecessary hardship or practical difficulties; and
 6. hearing information.
- C. Referral to Planning Board - On an optional basis, the Zoning Board of Appeals may request in writing a recommendation by the Planning Board. The failure of the Planning Board to submit said report shall be deemed to be an approval of the appeal or interpretation in favor of the applicant.
- D. Hearings - All hearing procedures shall be in accordance with appropriate laws with respect to notices, timeliness, etc.
- E. Decisions - Every decision of the Zoning Board of Appeals shall be by resolution, each of which shall contain a full record of the findings. Decisions shall be made in a timely manner in accordance with state law. As per state law, a majority of the membership are needed to pass or reject any request.
- F. Time Requirements - All appeals to the Zoning Board of Appeals for interpretations or variances shall be submitted to the Zoning Board of Appeals within 30 days of the date of denial of the application.

D. Basis for Granting Use Variances -

1. Use Variances provide relief to an applicant who is denied through application of the Zoning Law by the Permitting Board the right to use land or structures in a certain manner since the use is not listed as an allowable use in the Zoning Law. In order to be granted the Use Variance the applicant must prove that "Unnecessary Hardship" exists and this is accomplished by showing all of the following:
 - a) The applicant cannot realize a reasonable return for a permitted use under the zoning regulations, provided that lack of a return is substantial as demonstrated by competent financial evidence.
 - b) That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.
 - c) That the requested use variance if granted will not alter the essential character of the neighborhood.
 - d) That the alleged hardship has not been self-created.

E. In granting any variance, be it a use variance or area variance the Zoning Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable and are in compliance with the intent of the Zoning Law. The decisions must be written in the form of a resolution and must state in detail the reasons for granting or denying the variance and the conditions imposed.

F. Temporary Variances - The Zoning Board of Appeals may issue, for uses that are of a temporary nature, a Variance. Said Variance shall clearly state the conditions of the Variance to include when it shall terminate, the possibility of renewal, and other conditions deemed necessary.

SECTION 905 SPECIAL USE PERMITS / SITE PLAN REVIEWS

A. Applicability - Whenever a Variance (Use or Area) is required before a Special Use Permit can be reviewed, the Zoning Board of Appeals shall be the authorized Board for dealing with both the Variance and the Special Use Permit. This Special Use Permit review is only authorized by the Zoning Board of Appeals for commercial projects involving 5,000 or less square feet of floor space or residential projects involving 5 or less residential units.

B. Basis for Granting Special Use/Site Plan Permits - See article on Planning Board, section on Special Use Permit.

C. Referral to Planning Board -

1. Prior to action on Special Use Permits, the Zoning Board of Appeals shall advise the Municipal Board and Planning Board of the proposed actions.
2. The Municipal Board and Planning Board shall have 15 days in which to review the proposed action and return their recommendation to the Zoning Board of Appeals. After the 15 days has expired, the Zoning Board of Appeals may act without receipt of a response.

Town of Carroll

Assessors Report

July 2021

The Final Roll was filed July 1, 2021 with the County and the State of NY. Also, the appropriate legal notice was posted in the Post Journal.

In addition, a link to the 2021 final roll is required by the State to be on our website and this has been completed.

Assessors' reports required by the State of NY have been filed with the Office of Real Property Services in Albany.

With the 2021 roll filed I have updated the RPS software program to create the 2022 file and we are beginning work on next year's assessment roll.

Thank you.

Lisa M Volpe

Assessor

**Town of Carroll
Town Board Minutes
July Regular Meeting 6:30pm
Thursday, July 15, 2021**

The June Monthly Meeting of the Town of Carroll was held on the 15th day of July 2021 at 6:30 p.m., at the Town of Carroll Municipal Building, 5 W. Main Street, Frewsburg, New York, with the following board members present:

Councilman/Deputy Supervisor Kenneth Dahlgren
Councilman Timothy Burkett
Councilman Thomas Fenton
Councilman John Barber

Absent: Supervisor Russell Payne

Others in attendance were: Water Supervisor Daniel Sisson, Town of Carroll Police Chief William Nelson, Highway Superintendent James Mitchener, District 16 Legislator John Davis, and Town Clerk Susan Rowley. Residents in attendance were Julie Burkett, Harold Bennett, Tracy Magnuson, Dalton Anthony.

This meeting was placed on Face Book Live for any residents wanting to view the meeting.

At 6:34pm Deputy Supervisor Kenneth Dahlgren called the July 2021 meeting to order and led everyone in the Pledge of Allegiance to the Flag.

Public statements, announcements and questions:

Deputy Supervisor Dahlgren read the following letters and communications to the town:

Deputy Dahlgren reported that the town has received notice from the Webb Law Firm that due to the illness of our town attorney, Paul Webb Jr., the court proceedings with Sealand Waste, LLC which had been scheduled in the Appellate Division for October of 2021, has been rescheduled for April 2022.

Deputy Dahlgren also reported that in the interest of saving the Town money, we will be dismissing the services provided by Cintas, which has serviced our various entry and throw rugs in both the Town Hall and the Highway Garage. The town will be purchasing our own rugs due to the excessive cost of this service and the town custodial staff will be providing the necessary cleaning and maintenance of the town owned rugs.

The Town has been approached by the Wendall Berg family regarding the continuation and completion of Berg Lane from its present location to intersection with Annis Street. The main purpose for this request is to allow them to develop and offer for sale, the property which is adjacent to the undeveloped portion of Berg Lane which was formerly the railroad right-of-way, and is not a part of the Rails to Trails program but town owned, and has a substantial base with which to continue Berg Lane in a northwesterly direction to where this right-of-way meets Annis Street. Supervisor Payne and Highway Superintendent Mitchener have discussed this project and Superintendent Mitchener will do a feasibility study of the proposed Berg Lane extension project. Superintendent Mitchener stated that drainage work has been done, and more will be done. He stated that he has to check to see how close this is to wetland, and he will be cutting back brush and do some more drainage work. He believes this will be a good project for the town as it will serve a place to turn plows around in the winter months and solve other issues in that area. Water Supervisor Sisson suggested that the water line extension in that area be considered at the same time, putting a 6-inch pipe all the way to the hydrant on Annis Street, which will close a loop with Town water. All town department heads agreed this will solve many issues and be a good project for the town. Councilman Barber suggested that the Planning Board should look at this issue, and it was decided that after Highway Superintendent Mitchener can get into the area and cut brush. The Town Board decided to table this conversation until Supervisor Payne contacts Webb's office to receive a copy of the deed from the town's attorney.

Supervisor Dahlgren reported that the Town of Carroll has received notification from the NY State Division of the Budget that we will be receiving a total of \$304,047.00 in the ARPA Coronavirus Local Fiscal Recovery Fund. These funds will be paid to the Town of Carroll in two increments, one this summer and one in the summer of 2022. This money will need to be used for infrastructure, or issues that Coronavirus has caused.

Deputy Supervisor Dahlgren welcomed Public Comments:

Deputy Supervisor Dahlgren stated if you wish to have an interactive conversation with the Town Board and or the Supervisor, please contact the Supervisor or the Town Clerk at least one week prior to the town meeting, and provide an outline of the matter you wish to discuss in order to be placed on the agenda.

Deputy Supervisor Dahlgren requested a motion to accept the regular June 2021 meeting minutes. A motion was made by Councilman Timothy Burkett, seconded by Councilman Thomas Fenton. All in Favor, Carried.

Deputy Supervisor Dahlgren requested a motion to pay the 2021 July Town of Carroll Bills. A motion was made by Councilman Timothy Burkett and seconded by Councilman John Barber. All in Favor, Carried.

Bills approved for July 2021:

General Fund	\$ 55,562.46	Vouchers 223-272
Water Fund	\$ 27,987.00	Vouchers 115-129
Highway	\$137,449.77	Vouchers 104-121
Trust & Agency	\$ 12,502.58	Vouchers 19-21

Deputy Supervisor Dahlgren also requested a motion to approve the Town of Carroll's Transfers and Budget Modifications received from Town Accountants Baghat-Laurito and Baghat for the month July 2021. A motion was made by Councilman Thomas Fenton, with a second to the motion being made by Councilman Timothy Burkett. All in Favor, Carried

Town Issues: None to report

New Business:

Deputy Supervisor Dahlgren requested that the board look at the information he provided them regarding the New York State cannabis opt-out program, and the local opt-out option for the town. He suggested that we need to start working on this very soon, as it is subject to a permissive referendum. Councilman Timothy Burkett suggests we have a public hearing at our next meeting, it was set for 6:45pm August 11, and Legislator Davis suggested that we hold that public hearing at the Fireman's Blue Building so it will hold more

residents, hopefully that will come to the meeting and give their opinions on this subject.

Old Business: The previously tabled motion from the June meeting regarding the proposal from TextMyGov which is a communications program to assist our Police, Highway, Water, Code Enforcement and the Animal Control Officer. The board held an online meeting with Travis from Textmygov to discuss the option of adapting this program. A testing phone number was given to try the system on the cell phones of those listening to webinar. This program would allow the residents of the town to reach out to the different department heads directly and instantly. The board listened to the demonstration and asked the cost, \$3800 for the first year, \$2800 every year after, and it applies for ARPA funding. Discussion by board after webinar was the feeling that it would be difficult to use, and most likely wouldn't get used much by the town. Councilman Burkett stated that it would be more useful in bigger areas, and Councilman Barber suggested that the County may consider something like this, that would incorporate the entire county, and towns listed as a keyword, and then bring it to a town level. Legislator Davis stated that the cost on a county level would be much higher. Most of discussion was that it can be done by phone calls or a Facebook message, it may be something to consider when the board decides what to do with the ARPA funding and decided to table this consideration until that funding is decided, and perhaps a less sophisticated system to be considered to assist communication to the residents through a texting program. Councilman Thomas Fenton suggested to table this decision to a later date after more discussion, and the entire board was in agreement.

Personnel Issues: None to report.

Appointments: None to report.

Contracts and Agreements: None to report

Departments and Officer's Reports:

Deputy Supervisor Dahlgren stated that the Monthly Supervisor's Financial report from BLB, and the Monthly Town Clerk's report have been submitted to the Board.

**Police Chief, William Nelson:
Attachment 1**

Chief Nelson stated that he has submitted his monthly report. He also stated that the Town and State police have issues with the old Vac Air Building and have had a lot of destruction and theft of Copper pipes from the building. A local resident reported something they witnessed, and he commended them for seeing and then doing something about it, that has led to bringing the person(s) to justice. He suggests the building should be secured, and the parking lot is full of weeds and grass and the building can not be seen, and he suggests that somehow this be mowed and taken care of. At this time no one has taken ownership of the building, but the county did make a complaint. County Executive PJ Wendel will be coming to the site, because of tax issues, and will be inspecting the property along with Supervisor Payne and other town officials. Police Chief Nelson believes it is a safety issue, and a place that needs to be patrolled, but he feels grounds keeping also needs to happen so it will look like it has not been abandoned. Water Supervisor Sisson will look into getting a key for the town to get through the gates. Legislator Davis stated he will reach out to County Attorney Stephen Abdella to see who is legally in charge of this property. On August 2nd at 10:00am, the town and the county will visit the site and hopefully a solution will be found.

Highway Superintendent James Mitchener:

Highway Superintendent Mitchener stated that his department has been busy this past month with finishing the town's oil and stone projects on town roadways. The shared services agreement has been very helpful, and Superintendent Mitchener wanted to thank the towns of Poland, Ellicott, Ellington and the Village of Falconer to get these projects completed. They were also able to stockpile about 1,000 pounds of millings, and the Highway Department will use those millings on the Guernsey Hollow Project. The Wheeler Hill Bridge project has received the permit by the DEC, and still awaiting the Army Corp of Engineers approval. Supervisor Payne has reached out to Superintendent Mitchener concerning a municipal parking lot expansion, as he has been approached by area businesses requesting more Municipal parking availability. The ground on the expansion belongs to the Fire Department, so permission will have to be given by the Fire Department. This will add 150 feet, doubling the parking lot size, and hopefully this will be able to be completed before the end of the season.

Water Department Supervisor Dan Sisson:

Supervisor Sisson stated that rates will be going up in the next water billing. He submitted a letter for the board's approval that will be added to the upcoming water bill when it is mailed or emailed to water district residents. He also stated that Governor Cuomo signed a COVID law chapter 108, which states that for a specific time period, municipalities may not charge late fees on utilities. Certain late fee's that have been charged during this period, will be credited to the accounts of the district residents. The law also states that a water levy cannot be placed on taxes until 2023. This is going to make it difficult for the town's water budget, but he states we will find a way through this time. There is a leak somewhere in the district that is causing an issue, but with the gravel ground and the rain we have received lately, it makes it very difficult to find the leak. They are looking for this leak every chance they have, and if they can't find it, they can contact NY Rural water and they will be able to help the department further. The communications systems are down on Well 5, and they are working with GPI to correct that issue, and they are also working with GPI to upgrade the issues and the system is going to need to be updated. This is the same company that the town will be working with when adding the new water tanks. He is asking to take \$156,000 to replace controls at Wells 2A and Well 5, which he feels is needed to keep the water service to the town. Councilman Timothy Burkett asked if this funding can be covered by the ARPA funding, along with the Water Reserve funding that was put in place for repairs and upgrades. This would be an investment in the new water tank system that the water department will be doing soon in the future. Supervisor Sisson requested that the board allow the spending of \$156,000 from the Water Reserve Fund to update the town's water communications system for Wells 2A and 5 from GPI. Deputy Supervisor Dahlgren suggested that this item be added to the Public Hearing List for the August meeting, so it was tabled for next month's meeting.

Animal Control Officer Nicholas Cusimano: Absent

Code Enforcement Officer Alan Gustafson: Absent, left a letter to be submitted

Attachment 2

Assessor's Office:

Attachment 3

The Assessor's office was absent from this month's meeting; however, they did submit a monthly report which has been attached.

County Legislator District 16 John Davis:

Legislator Davis stated that he appreciated Chief Nelson and the board for bringing up the issues at Keywell property, and he will draft a letter soon to County Attorney Stephen Abdella concerning seeking information on the ownership of the property, and the responsibility for what is done with the property, and will copy Town Clerk Rowley, as well as Supervisor Payne. He stated that this property is on his radar as community members have contacted him about it, along with Ethan Allen and Rendering work properties. There is not a lot that can be done with Ethan Allen and Rendering properties as the taxes are being paid, and he feels Code Enforcement needs to address those issues. He also stated that the County meetings have been busy and long with the most pressing discussion being solar energy issues. Legislator Davis wanted to remind town residents, if they have any questions or concerns, to please reach out to him.

Town Council Reports:

Deputy Supervisor/Councilman Ken Dahlgren: Councilman Dahlgren stated the town has had communication from Code Enforcement Officer, Al Gustafson, stating that on June 14, the Zoning Board of Appeals unanimously approved a use variance, and a special use permit request for the conversion of the former White's Lawnmower Sales facility on to become an indoor climate control self-storage facility. The use variance requested by the owner, Stephen White, were necessary as due to these parcels being zoned as R2 residential, and self storage units are not permitted. Since the parcels on the southside of that area, were previously zoned as I1, a hardship was demonstrated and a use variance was granted. A special use permit was granted to Jonathan Blanchard for the operation of an indoor climate controlled self-storage facility, with no changes to the building being proposed. Also noted that the construction of a new self-storage facility was recently approved by the Zoning Board of Appeals, the Planning Board and the Municipal Board on the adjacent property to the east owned by Robert Gray. Since this requires a referral to the Municipal Board, your consideration of this matter is requested. Deputy Supervisor Dahlgren requested a motion by the board to approve the Special Use Permit, and Councilman Thomas Fenton

made a motion that the Town Board Approves the Special Use Permit, Councilman John Barber seconded the motion. All in favor, Carried.

Councilman Timothy Burkett: Nothing to report

Councilman John Barber: Nothing to report

Councilman Thomas Fenton: Nothing to report

Supervisor Payne: Absent

Deputy Supervisor Kenneth Dahlgren stated on Supervisor Payne's behalf stated that he has spoken at length to Timothy Napolitano of Napolitano Holdings in California, and he wants to develop the Ethan Allan Plant and work with the Town of Carroll to offer the property to local entrepreneurs to occupy the renovated structure. They are willing to spend the necessary funds to renovate the structure, and proof of that is that they just spent \$10,000 to repair the roof and to secure the building properly until the renovations can begin.

Deputy Supervisor Kenneth Dahlgren made a motion to adjourn the July Town of Carroll meeting at 7:42pm. A motion was made by Councilman Thomas Fenton and the motion was seconded by Councilman Timothy Burkett. All in favor, Carried.

The next Town of Carroll meeting and Public Hearing will be held on August 11, 2021, at 6:30pm at the Firemen's Blue Building, 25 Hazzard Street, Frewsburg, NY

Respectfully Submitted,

Susan Rowley
Town of Carroll Clerk