

**VILLAGE OF SHERMAN**  
**PUBLIC HEARING OF THE MUNICIPAL ZONING BOARD**  
**AND SPECIAL BOARD MEETING**  
Wednesday, June 19<sup>th</sup>, 2019 at 6pm

**Mayor Meeder brought the meeting to order and opened with the pledge of allegiance. Board members Meeder, Gratto, Reyda, Higginbotham and Ayers, the clerk-treasurer, Press and eleven members of the public were in attendance.**

Mayor Meeder recapped the findings from the previous meeting (2019-06-05) and allowed the public time to present any new information. The board members had the opportunity to investigate the noise issue for themselves since the last meeting and found that the sound wasn't unreasonable. Mayor Meeder stated that there was no noise ordinance in the Village. Although three residents have complained about the pallet shop, many residents attended the previous meeting or called in because they want the pallet shop to remain here in the village. This hearing is not about the popularity of the business or public opinion, but the law. Mayor Meeder read the laws relating to Rural Residential (R2) which is the classification of Neil Miller's property. She further explained that this was the least restrictive zoning classification because of the agricultural allowances. Mayor Meeder also read the classification of general limited industry (see notes at end of minutes). Nina Coyle asked why they didn't have a special meeting (or hearing) before the pallet shop was allowed to start in 2017. Mayor Meeder explained that the municipal board saw no reason to give a special use permit since his business was small and agriculturally related. Mr. Miller was zoned for rural residential which allows him to operate his business from his property. His original intentions did not call for a special use permit. Now that his business is growing, two members consider the assembling of pallets to be more 'light industry' and Mr. Miller is requesting longer working hours than first indicated which they believe the current nature now requires a special use permit.

**RES 2019-06-19.1: SPECIAL USE PERMIT FOR PALLET SHOP**

Motion to take from the table the proposed resolution 2019-06-05.3, and accept the new recommendations of the Zoning Enforcement Officer as follows:

*Weekly hours, summer 6am – 6pm, Monday – Friday*

*Saturday hours 8am – Noon*

*No working on Sunday and National Holidays, i.e. Memorial Day (Monday), etc.*

*When building addition is done, he must install a garage door facing away from the road.*

*Possibly put a fence up between road and the business.*

*An annual renewal of the special permit regarding the business shall be required.*

And to approve the Special Use Permit for the Miller Pallet Shop as long as the guidelines provided by the Zoning Enforcement Officer are followed. The Special Use Permit is to be reviewed and renewed annually. *(The cost for the Special Use Permit is \$50.00, renewable at the annual rate of \$30 or the rate of the fee schedule at that time.)*

Moved by Trustee Higginbotham      Seconded by Trustee Ayers

Ayes: Higginbotham, Ayers, Gratto, and Meeder

Nays: Reyda

Carried

**RES 2019-06-19.2:**

Motion to close the Municipal Zoning Board Meeting and open a Special Meeting of the Board.

Moved by Trustee Gratto      Seconded by Trustee Ayers

Ayes: Higginbotham, Ayers, Gratto, and Meeder

Nays: Reyda

Carried

**SPECIAL MEETING OF THE BOARD**

**RES 2019-06-19.3: KEITH FENCE – VARIANCE REQUEST**

Motion to approve the area variance request from Edna Keith of 107 Franklin St, for a fence to be built on or encroaching on the line of Village Property located behind Main St. The Village, as the adjoining property owner, herein agrees to permit the Keith fence to be placed on the North and West side of the Keith property at a height of 6'. This variance request will be submitted to the Zoning Board of Appeals on June 20<sup>th</sup>, for final approval. (Cost of \$45.00)

Moved by Trustee Gratto                      Seconded by Trustee Higginbotham

Ayes: 5

Nays: 0

Carried

**RES 2019-06-19.4: BITTINGER REFUND**

Motion to approve the refund of Tax Bill #236 for ID#328.10-2-27 to Joseph and Linda Bittinger upon signing the contractual agreement to approve the donation of the 'Edmunds Park Property' to the Village; and upon receiving payment from the Bittinger's for Tax Bill #236. (In the amount of \$405.94 plus any subsequent fees after 7/1/2019).

Moved by Trustee Higginbotham      Seconded by Trustee Ayers

Ayes: 5

Nays: 0

Carried

**RES 2019-06-19.5: FORECLOSED PROPERTY UNPAID W&S TAX BILL ADJ**

Motion to accept into the minutes the 'Correction of Errors' form to be submitted to the Chautauqua County Real Property Tax Office in regards to 6/15/19 Tax Foreclosure purchases as follows: (*As required per the Chautauqua Cou Real Property Tax Office, with Mayor's signature.*)

Bill No. 310 Arthur Martin, ID# 328.11-2-21

Unpaid W&S \$401.50 - remove      New: Adam Chambers

Bill No. 300 Floyd Ferguson, ID# 328.11-2-11

Unpaid W&S \$ 22.54 - remove      New: Jeremy Spinler

Total Correction: \$424.04

Moved by Trustee Ayers                      Seconded by Trustee Gratto

Ayes: 5

Nays: 0

Carried

**RES 2019-06-19.6: FORECLOSED PROPERTY WATER & SEWER BALANCE ADJ**

Motion to accept the adjustment to remove the outstanding balance on water and sewer bills as of 6/15/19 for the Tax Foreclosure purchases: (*As required per the Chaut Co Real Property Tax Office.*)

Account# 201 Arthur Martin, 162 E Main St.      Bill date: 6/7/19      \$273.00 - remove

Account# 193 Jim Murray, 138 E Main St.      Bill date: 6/7/19      \$244.48 - remove

Total Adjustment: \$571.48

Moved by Trustee Gratto                      Seconded by Trustee Ayers

Ayes: 5

Nays: 0

Carried

**RES 2019-06-19.7: FORECLOSED PROPERTY OTHER ADJ**

Motion to accept the adjustment to void the invoice #17043 for mowing the lawn for the amount of \$40 at 162 E Main St; and approve the \$0 cost of the permit for roof repair and a temporary dumpster permit requested by Adam Chambers.

Total Adjustment Value: \$60

Moved by Trustee Higginbotham      Seconded by Trustee Gratto

Ayes: 5

Nays: 0

Carried

**RES 2019-06-19.8: SANDS W&S FEE ADJ**

Motion to approve the adjustment of fees applied to account #283 accrued during the real property purchase transition of 104 Miller St, in the amount of \$26.

Moved by Trustee Gratto      Seconded by Trustee Ayers

Ayes: 5

Nays: 0

Carried

**RES 2019-06-19.9: SEWER ADJUSTMENT #199**

Motion to approve the removal of sewer usage charges from account #199 for leakage while the house was empty; the total sewer usage is \$359.50. (*The sewer base charges, water base and water usage will still be billed.*)

Moved by Trustee Higginbotham      Seconded by Trustee Reyda

Ayes: 5

Nays: 0

Carried

**RES 2019-06-19.10: R2T SHELDON PARK SIGN**

Motion to approve the release of check #16258 to AKS for the signage at the Sheldon French Creek Park in cooperation with Chautauqua Rails to Trails, in the amount of \$570.00.

Moved by Trustee Ayers      Seconded by Trustee Gratto

Ayes: 5

Nays: 0

Carried

**RES 2019-06-19.11: SEWER STUDY AMENDMENT**

Motion to authorize the mayor to enter into a contract with Barton & Loguidice to amend the Village of Sherman Comprehensive Sewer Assessment Study to include the Town of French Creek, for summarizing the preliminary evaluation of a public sanitary sewer project that would serve Peek n' Peak resort into the scope of the sewer needs assessment (as per agreement 2056.001.001) from Barton & Loguidice at the estimated cost of \$10,000, upon a signed memorandum of understanding between the Village of Sherman and Chautauqua County, whereas the Chautauqua County is to reimburse the Village of Sherman the cost of the amendment.

Moved by Trustee Gratto      Seconded by Trustee Ayers

Ayes: 5

Nays: 0

Carried

**RES 2019-06-19.12: COUNTY CONTRACT**

Motion to authorize the mayor to sign the Memorandum of Understanding between the Village of Sherman and Chautauqua County for County reimbursement to the Village in the estimated amount of \$10,000 for Amendment 2 of the Comprehensive Sewer Project Study. The Chautauqua County Sewer Agency authorized this agreement, and accepted the Barton & Loguidice proposal dated January 15<sup>th</sup>, 2019, to amend the Village of Sherman's Sewer Assessment Study by preparing an Engineering Feasibility Study including the Town of French Creek's Peek n' Peak resort, to not exceed \$10,000; adopted unanimously on June 13<sup>th</sup>, 2019.

Moved by Trustee Higginbotham      Seconded by Trustee Ayers

Ayes: 5

Nays: 0

Carried

**Motion to adjourn the meeting at 6:50p.m.**

Moved by Trustee Gratto      Seconded by Trustee Ayers

Ayes: 5

Nays: 0

Carried

Respectfully submitted,  
Jeanette Ramm  
Clerk-Treasurer

Next Meeting – July 10<sup>th</sup>, 2019