



G.M. Nickolson Construction Inc.

General Contractor

42 Mill Street • P.O. Box 148 • Ellicottville, NY 14731
Phone: (716) 699-4516 • Fax: (716) 699-4516

October 14, 2022

Re: 39 Mill Street

Dear Village Planning Board,

It has come to my attention that as of 2012 the zoning map shows the property I own at 39 Mill Street being designated residential. I am confused because as of October 2002, I received a building permit for retail stores. Also Cattaraugus County designates 39 Mill Street as Commercial 1.

If I were to consider an additional rental unit, the property setbacks and green space areas are considerably different for residential than commercial. Enclosed you will find a copy of all the original building permit and Cattaraugus County property records. Also enclosed is the paperwork from the planning board in 2001. I am requesting the property at 39 Mill Street be rezoned as commercial instead of residential.

Sincerely,

Michael Nickolson
G.M. Nickolson Construction, Inc.



**TOWN AND VILLAGE OF
ELLCOTTVILLE BUILDING & PLANNING
DEPARTMENT**

PO BOX 600, ELLCOTTVILLE, NY 14731

Planner: Greg Keyser, (716) 801-3016, E-MAIL: greg.keyser@evlengineering.com

Code Officer: Kelly Fredrickson, (716) 699-4773, E-MAIL: kelly.fredrickson@evlengineering.com

COMBINED APPLICATION

Jurisdiction:

TOWN

VILLAGE

App. # 2022-212

PRE-APPLICATION CONFERENCE

SPECIAL USE PERMIT

INTENT TO SUBDIVIDE

MASTER PLANNED DEVELOPMENT

HISTORIC DISTRICT REVIEW

ARCHITECTURAL DESIGN REVIEW

SITE PLAN REVIEW

AMENDMENT TO SITE PLAN

ZONING ORDINANCE AMENDMENT

ZONING MAP AMENDMENT

APPLICANT INFORMATION:

Applicant's name: Michael Nickolson Date: 10/9/22
 Mailing address: PO Box 148 ELLCOTTVILLE NY 14731
 Cell Phone Number: 716 397 9527 E-Mail: gm Nickolson @ AOL.com
 Applicant must be (check all that apply): Owner Operator Lessee

Applicant's Engineer or representative: _____

Address: _____

Phone #: _____ E-Mail: _____

PROPERTY OWNER INFORMATION (if different than Applicant)

Name: _____

Mailing Address: _____

Cell Phone Number: _____ E-Mail: _____

PROPERTY / FACILITY NAME

Address: 39 Mill St.

Property tax map #: 55.036-2-16a2

Current use of property:

RENTALS RETAIL STORES

Description of Proposed Project/Use (attach additional pages, survey and plans):

RENTALS RETAIL STORES

Zoning Requirements from Town/Village Zoning Law

Front yard setback: _____ Rear yard setback: _____
Side yard setback: _____ Combined side: _____
Minimum lot size: _____ Width: _____
Height: _____ Floor area ratio: _____ (Village)
Usable Open space: _____

Site Information

Size of site: _____ Sq. Ft. Size of area to be developed: _____ Sq. Ft.

Number of proposed lots: _____

Proposed method of Sanitary Sewage disposal: VILLAGE

Proposed method of Water Supply: VILLAGE

If public utilities are proposed, are they available to site?

Sanitary Sewer: Yes No Water: Yes No

Will the project require the formation or extension of a Water and/or Sanitary Sewer District?

Sanitary Sewer: Yes No Water: Yes No

Main Structure:

Construction type: WOOD FRAMED Front yard setback: _____ feet
Height: _____ stories, _____ feet Side yard setback: _____ feet
of family units: _____ Total of both side yard setbacks: _____ feet
Size of lot: _____ Sq. Ft. Rear yard setback: _____ feet
Usable Open Space: _____ % Floor area ratio: _____ (village)
Corner or interior lot? _____ Other: 96 X 36

Accessory Building:

Description:

NONE

Percentage of yard: _____ Height: _____ feet

Setback from rear lot line: _____ feet Setback from side lot line: _____ feet

Floodplain:

FIRM Zone _____ BFE _____

Flood Plain Development Permit Required? YES NO

ATTACHMENTS

Attach all relevant items listed in the Town/Village of Ellicottville Zoning Law for type of application(s) being submitted. Additional copies of all plans, documents and other application materials may be required. See attached list of required forms and information needed for type of application being submitted. Deadline for submittal is three (3) weeks prior to regularly scheduled meeting date. Meeting dates are subject to change by the Board Chair.

SIGNATURES

Applicant and Owner (if different) must sign the application.

I hereby certify that I have examined this application and know the same to be true and correct. All provisions of laws and ordinances covering this type of work will be complied with whether specified herein or not. The acceptance or approval of this application does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction, land use or the performance of construction. I have read and am familiar with the Town/Village of Ellicottville zoning law that is relevant to this application(s).

Permission to inspect – I hereby consent to Town/Village of Ellicottville Staff inspection of the project site and adjacent property areas. Town/Village staff may enter the property without notice. Inspection may occur without the owner, applicant or agent present, If the property is posted with “keep out” signs or fenced with an unlocked gate, staff may still enter the property. Agency staff may take measurements, analyze site physical characteristics, take soil and vegetation samples, sketch and photograph the site.

Applicant Signature: _____ Date: 10/11/22

Applicant must be (check all that apply): Owner Operator Lessee

Applicant Name:^{Print} _____

Property Owner’s Signature (if different than applicant)

_____ Date: _____

Property Owner’s Name:^{Print} _____

Office use only:

Application Fee(s) _____

Received by: _____ on _____ (Date)

Project Number(s): _____

SECTION 21 - AMENDMENTS

1. Village Board May Amend

The Village Board may, from time to time, on its own motion, or on petition or on recommendation of the Planning Board, amend, supplement or repeal the regulations, restrictions, boundaries and other provisions of this ordinance, after public notice and hearing as provided by NYS Village Law.

2. Planning Board Review

Every such proposed amendment or change, whether initiated by the Village Board or by petition, shall be referred to the Village Planning Board for a report thereon prior to Village Board action on the proposal. Prior to the public hearing, the Planning Board shall forward a formal report of recommendations to the Village Board regarding the matter before it, approving, disapproving, modifying and/or recommending conditions for the proposal. If the Planning Board fails to submit such report within thirty (30) days of the date of referral, or within such longer time period as may be established by the Village Board, it shall be deemed that the Planning Board has approved the proposed amendment or change. The recommendations of the Village Planning Board are advisory only, and the Village Board may overrule the recommendations.

3. Contents of Petition

A petition to change the zoning district of any land within the Village of Ellicottville shall be filed on a prescribed form for that purpose with the Zoning Official, who shall refer it to the Village Board. The petition shall include a legal description of the land affected by the petition as well as identify the land that is the subject of the application by tax map number and by street address. The petition shall state the current zoning designation of the property, the proposed zoning district and the proposed future use of the property. The petition shall include a statement of the petitioner's interest in the property and if he/she is the owner of record of the property for which the change is requested. To change or amend the zone within a legally recorded subdivision, the petition shall include signatures of owners of at least fifty-one percent (51%) of the platted lots in the subdivision.

In the event the Village Board elects to hear the petition from a property owner or a recommendation from the Planning Board, the Village Board shall set a date for a public hearing and comply with the other referral provisions of the Code.

4. Public Notice

The Village Board by resolution adopted at a stated meeting shall fix the time and place of a public hearing on the proposed amendments, and shall cause notice to be given as follows:

VILLAGE OF ELICOTTVILLE ZONING ORDINANCE
SECTION 21 – AMENDMENTS

- A. Notice of the public hearing shall be published of at least ten (10) days in advance of such hearing in a newspaper of general circulation in the Village. Such notice shall state the general nature of the proposed amendment in such reasonable detail as will give adequate notice of its contents, and shall name the place or places where copies of the proposed amendment may be examined.

- B. In addition, the following notices shall be given, if applicable:
 - 1) A written notice of any proposed change or amendment affecting property within 500 feet of the boundary of any State Park shall be mailed to the Regional State Park Commission having jurisdiction over such State facility at least ten (10) days prior to the date of such public hearing.
 - 2) A written notice of any proposed change or amendment affecting property within 500 feet of the boundary of any city, village, town, or county, shall be mailed to the clerk of such municipality at least ten (10) days prior to the date of such hearing.
 - 3) A written notice of any proposed change or amendment affecting property within 500 feet of the property of any housing authority erecting or owning a housing project authorized under the public housing law shall be mailed to the executive director of such housing authority and to the chief executive officer of the municipality providing financial assistance thereto, at least ten (10) days prior to the date of such hearing.

- C. Posting Notice of Petition of Zoning Changes
 - 1) When a petition has been received for the change of the zoning on a particular tract, notice shall be posted on that tract of land prior to any public hearing.
 - 2) If the request is for an open area consisting of four or more parcels in separate ownerships, notice shall be posted in at least three conspicuous places in the area affected by the petition.

5. Public Hearing and Adoption

- A. The hearing shall be held at the stated time and place by the Village Board and shall include within its proceedings:
 - 1) The proposed change, amendment or supplement, either in complete or summary form.
 - 2) An opportunity for all interested persons to be heard in a manner prescribed by the Village Board.

- B. Prior to final action by the Village Board on the proposed amendment, it shall be referred to the Cattaraugus County Planning Board pursuant to the provisions of Section 239m of NYS General Municipal Law.
- C. The Village Board may act on the petition at the time of the hearing.
- D. Any amendments may be approved by a simple majority vote of the Village Board, except that any such amendment shall require the approval of at least three-fourths of the members of the Village Board in the event such amendment is the subject of a written protest, presented to the Village Board and signed by:
 - 1) The owners of twenty (20) percent or more of the area of land included in such proposed change; or
 - 2) The owners of twenty (20) percent or more of the area of land immediately adjacent to that land included in such proposed change, extending one hundred (100) feet therefrom; or
 - 3) The owners of twenty (20) percent or more of the area of land directly opposite thereto, extending one hundred (100) feet from the street frontage of such opposite land.

6. Filing Requirements

- A. Amendments made to this ordinance, excluding any map incorporated therein, shall be entered in the minutes of the Village Board. Such minutes shall describe and refer to any map adopted in connection with the amendment.
- B. A copy or a summary of the amendment, excluding any map incorporated therein, shall be published once in a newspaper published in the Village, if any, or in a newspaper having circulation in the Village.
- C. Affidavits of the publication of the summary or copy of the amendment shall be filed with the Village Clerk.
- D. The Village Clerk shall maintain every map adopted in connection with this zoning ordinance and every amendment thereto. Said documents shall be made available during regular business hours for public inspection.

ALTERATION OF THIS DOCUMENT IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW

THIS PARCEL IS SUBJECT TO ANY FACTS THAT AN UP TO DATE ABSTRACT OF TITLE WOULD SHOW

Mill Street

REFERENCE:

DEED - LILLIAN BROWN TO JAMES SCHARF REC. L.731, P.91
DATED: AUGUST 2, 1972
MAP & SURVEY BY HOWARD GERWITZ
DEC. 1, 1971 DATED

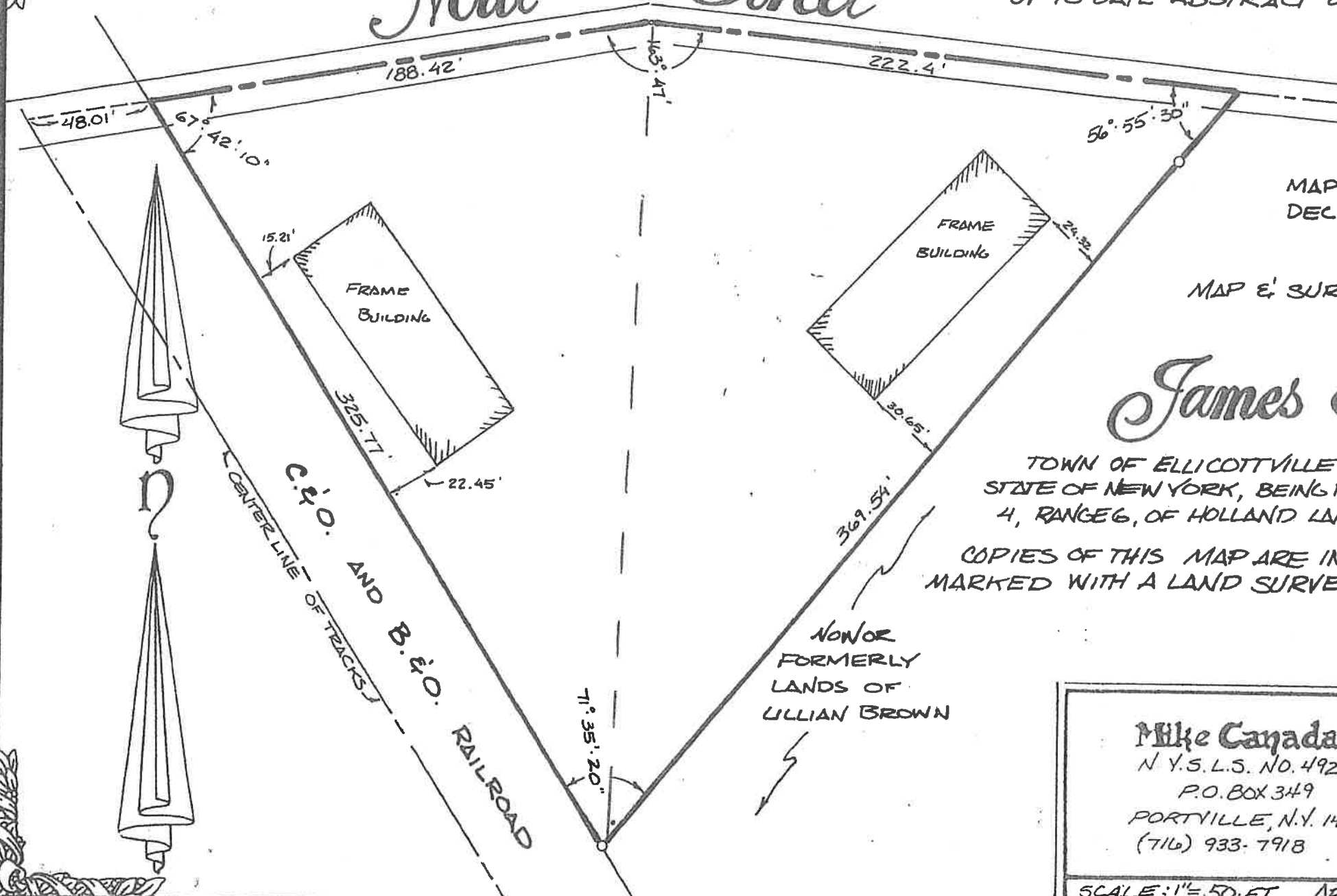
MAP & SURVEY SHOWING LANDS OF:

James Scharf

TOWN OF ELLICOTTVILLE, CATTARAUGUS COUNTY, STATE OF NEW YORK, BEING PART OF LOT 32, TOWN 4, RANGE 6, OF HOLLAND LAND COMPANY'S SURVEY

COPIES OF THIS MAP ARE INVALID UNLESS MARKED WITH A LAND SURVEYORS EMBOSSED SEAL

Now or
Formerly
Lands of
Lillian Brown



Mike Canada

N.Y.S.L.S. NO. 49215
P.O. BOX 349
PORTVILLE, N.Y. 14770
(716) 933-7918



D. Michael Canada

SCALE: 1" = 50 FT APRIL 6, 1993



Property Description Report For: 39 Mill St, Municipality of V. Ellicottville



Status: Active
Roll Section: Taxable
Swis: 043601
Tax Map ID #: 55.036-2-16.2
Property Class: 485 - >1use sm bld
Site: COM 1
In Ag. District: No
Site Property Class: 485 - >1use sm bld
Zoning Code: -
Neighborhood Code: 36100 - Vil-South East
School District: Ellicottville
Total Assessment: 2023 - *Tentative \$155,900
 2022 - \$155,900

Property Desc:
Deed Page: 691
Grid North: 828025

Total Acreage/Size: 205 x 300
Land Assessment: 2023 - *Tentative \$97,200
 2022 - \$97,200
Full Market Value: 2023 - *Tentative \$185,595
 2022 - \$185,595
Equalization Rate: ----
Deed Book: 1016
Grid East: 1126267

Owners

Michael G Nickolson
 P.O. Box 148
 Ellicottville NY 14731

Sales

Sale Date	Price	Property Class	Sale Type	Prior Owner	Value Usable	Arms Length	Add. Parcels	Deed Book and Page
9/4/2002	\$50	331 - Com vac w/imp	Land & Building	Dineen Timothy, M	No	Yes	No	1016/691
12/21/2000	\$85,000	331 - Com vac w/imp	Land & Building	Mcfadden, Dona L	No	Yes	No	995/1199

Utilities

Sewer Type: Comm/public
Utilities: Gas & elec
Water Supply: Comm/public

Inventory

Overall Eff Year Built: 0
Overall Grade: Average
Overall Condition: Normal
Overall Desirability: 2

Buildings

AC%	Sprinkler%	Alarm%	Elevators	Basement Type	Year Built	Eff Year Built	Condition	Quality	Gross Floor Area (sqft)	Stories
0	0	0	0		1978		Normal	Average	3636	1

Site Uses

Use	Rentable Area (sqft)	Total Units
Row retail	3,636	0

Improvements

Structure	Size	Grade	Condition	Year
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Land Types

Type	Size
Primary	0.72 acres

Special Districts for 2023 (*Tentative)

Description	Units	Percent	Type	Value
FD360-Ellicottville fire	0	0%		0
WB360-Water benefit	0	0%		0
WD361-Water 1	0	0%		0

Special Districts for 2022

Description	Units	Percent	Type	Value
FD360-Ellicottville fire	0	0%		0
WB360-Water benefit	0	0%		0
WD361-Water 1	0	0%		0

Taxes

Year	Description	Amount
2021	County	\$2,121.21
2020	County	\$2,276.52
2020	School	\$1,435.33
2020	Village	\$316.77

*** Taxes reflect exemptions, but may not include recent changes in assessment.**



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Parcel History
 View parcel history data

Municipality of V. Ellicottville

SWIS:	043601	Tax ID:	55.036-2-16.2
-------	--------	---------	---------------

Inventory

Overall EFF Year Built:	
Overall Condition:	Normal
Overall Grade:	Average
Overall Desirability:	2

Buildings

Air Cond. %	Sprinkler %	Alarm %	Elevators	Basement Type	Year Built	Eff Year Built	Condition	Quality	Gross Floor Area	Stories
0	0	0	0		1978		Normal	Average	3636	1

Utilities


Sewer Type:	Comm/public
Water Supply:	Comm/public
Utilities:	Gas & elec

Site Uses

Use	Rentable Area	Total Units
Row retail	3,636 sq. ft.	0

Photographs

(Click on photo to enlarge it.)



39 Mill St

Photo 1 of 3 →

Documents

- Survey Map

Maps

CLICK HERE for information on purchasing tax maps.

[View Tax Map](#)

[Pin Property on GIS Map](#)



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Parcel History

View parcel history data

Municipality of V. Ellicottville			
SWIS:	043601	Tax ID:	55.036-2-16.2
Tax Map ID / Property Data			
Status:	Active	Roll Section:	Taxable
Address:	39 Mill St		
Property Class:	485 - >1use sm bld	Site Property Class:	485 - >1use sm bld
Ownership Code:			
Site:	Com 1	In Ag. District:	No
Zoning Code:	-	Bldg. Style:	Not Applicable
Neighborhood:	36100 - Vil-South East	School District:	Ellicottville
Total Acreage/Size:	205 x 300	Equalization Rate:	---
Land Assessment:	2023 - *Tentative \$97,200 2022 - \$97,200	Total Assessment:	2023 - *Tentative \$155,900 2022 - \$155,900
Full Market Value:	2023 - *Tentative \$185,595 2022 - \$185,595		
Deed Book:	1016	Deed Page:	691
Grid East:	1126267	Grid North:	828025

Photographs

(Click on photo to enlarge it.)



39 Mill St

Photo 1 of 3 →

Documents

- Survey Map

Maps

CLICK HERE for information on purchasing tax maps.

[View Tax Map](#)

[Pin Property on GIS Map](#)

Special Districts for 2023 (*Tentative)

Description	Units	Percent	Type	Value
FD360-Ellicottville fire	0	0%		0
WB360-Water benefit	0	0%		0
WD361-Water 1	0	0%		0

Special Districts for 2022

Description	Units	Percent	Type	Value
FD360-Ellicottville fire	0	0%		0

WB360-Water benefit	0	0%	0
WD361-Water 1	0	0%	0
Land Types			
Type		Size	
Primary		0.72 acres	



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Parcel History

View parcel history data

Municipality of V. Ellicottville

SWIS:	043601	Tax ID:	55.036-2-16.2
-------	--------	---------	---------------

Ownership Information

Name	Secondary Name	Address
Michael G Nickolson		P.O. Box 148 Ellicottville NY 14731

Sale Information

Sale Date	Price	Property Class	Sale Type	Prior Owner
9/4/2002	\$50	331 - Com vac w/imp	Land & Building	Dineen Timothy, M
	Value Usable	Arms Length	Deed Book	Deed Page
	No	Yes	1016	691
Sale Date	Price	Property Class	Sale Type	Prior Owner
12/21/2000	\$85,000	331 - Com vac w/imp	Land & Building	Mcfadden, Dona L
	Value Usable	Arms Length	Deed Book	Deed Page
	No	Yes	995	1199

Historic Deed Information

Photographs

(Click on photo to enlarge it.)



39 Mill St

Photo 1 of 3



Documents

- Survey Map

Maps

CLICK HERE for information on purchasing tax maps.

[View Tax Map](#)

[Pin Property on GIS Map](#)

V - 2000-11-11 55.030-2-16.116.2

ALTERATION OF THIS DOCUMENT IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW

Mill Street

THIS PARCEL IS SUBJECT TO ANY FACTS THAT AN UP TO DATE ABSTRACT OF TITLE WOULD SHOW

REFERENCE:
DEED - LILLIAN BROWN TO JAMES SCHAEF REC. L.73, P.11 DATED AUGUST 2, 1972
MAP & SURVEY BY HOWARD GERWITZ DEC. 1, 1971 DATED

THIS MAP NOT VALID WITH AFFIDAVIT OF NO CHANGE MAP & SURVEY SHOWING LANDS OF:

McFadden

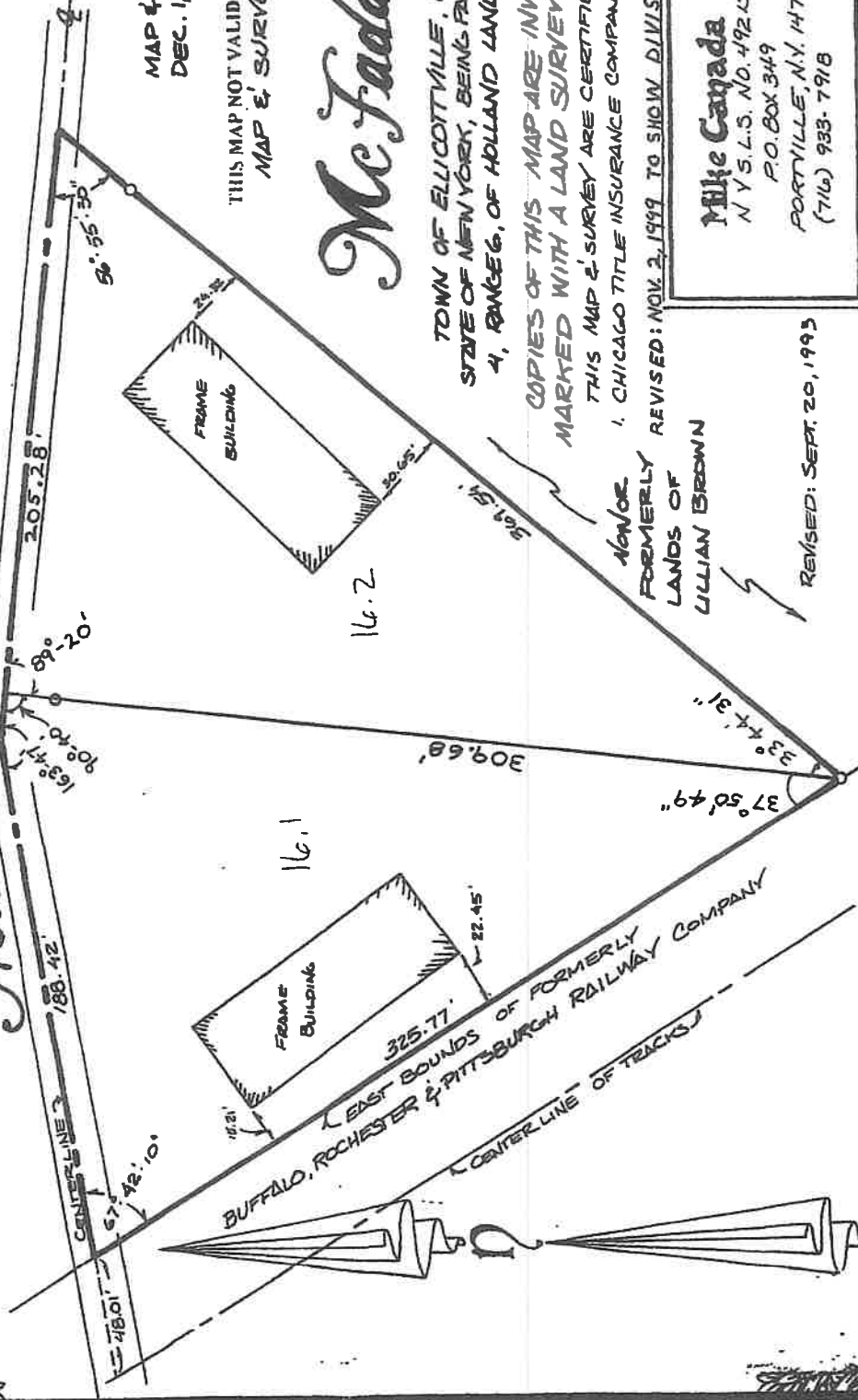
TOWN OF ELLICOTTVILLE, CATTARAUGUS COUNTY, STATE OF NEW YORK, BEING PART OF LOT 32, TOWN 4, RANGE 6, OF HOLLAND LAND COMPANY'S SURVEY

COPIES OF THIS MAP ARE INVALID UNLESS MARKED WITH A LAND SURVEYORS EMBOSSED SEAL

THIS MAP & SURVEY ARE CERTIFIED TO:
1. CHICAGO TITLE INSURANCE COMPANY AND TITLE NETWORK, LTD

FORMERLY LANDS OF LILLIAN BROWN

REVISED: SEPT. 20, 1993



Mike Canada
N.Y.S.L.S. NO. 49215
P.O. BOX 349
PORTVILLE, N.Y. 14770
(716) 933-7918

SCALE: 1" = 50.0 FT APRIL 6, 1993

D. McFadden

JOB NO. 3654

WARRANTY DEED - FULL COVENANTS

THIS INDENTURE, made the 17th day of August, 2000

Between **DONA L. McFADDEN**

PO Box 837
Ellicottville, New York 14731

party of the first part, and

TIMOTHY M. DINEEN and G. MICHAEL NICKOLSON,
as tenants in common

PO Box 146
Ellicottville, New York 14731

party of the second part,

Witnesseth, that the party of the first part, in consideration of

-----**One and More**-----**(\$1.00 & More)**
lawful money of the United States, paid by the party of the second part, does hereby grant and release unto the party of the second part, their heirs or successors and assigns of the party of the second part forever,

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town and Village of Ellicottville, County of Cattaraugus and State of New York, being a part of Lot 32, Town 4, Range 6 of the Holland Land Company's Survey and described as follows:

COMMENCING at the intersection of the centerline of Mill Street and the easterly bounds of the former lands of the Buffalo, Rochester and Pittsburgh Railway Company; thence northeasterly, along the centerline of Mill Street, 188.42 feet to an angle point in said centerline; thence southeasterly, continuing along the centerline of Mill Street, 17.12 feet to the Point of Beginning; thence southeasterly, continuing along the centerline of Mill Street, 205.28 feet to a point in said centerline; thence southwesterly, turning an interior angle of 56° 55' 30", 369.54 feet to an iron in the easterly bounds of lands now or formerly of the Buffalo, Rochester and Pittsburgh Railway Company; thence northerly, turning an interior angle of 33° 44' 31", 309.68 feet through an iron to a point in the centerline of Mill Street which is the point of beginning and containing more or less.

ALSO CONVEYING to the grantees and their heirs and assigns a right of way over the currently existing driveway located upon premises being retained by the grantor to the west of the above described premises which driveway provides ingress and egress to Mill Street. This right of way shall be over the driveway in its present location and shall be used in common with the grantor, her heirs and assigns, and shall be upon the express condition that the parties shall share equally in the cost of snow removal over that portion of the driveway which they shall jointly use.

ALSO CONVEYING to the grantees and their heirs and assigns an easement and right of way upon premises of being retained by the grantor to the west of the above described premises of sufficient width for the extension of the current water, sewer^{electric} and gas lines from their current locations to the above described premises upon the express condition that the grantees and their heirs and assigns shall be solely responsible for the costs of such extensions and for the cost of restoring the premises of the grantor it its current condition.

Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

To have and to hold the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

And the party of the first part covenants as follows:

First, that that the party of the first part is seized of the said premises in fee simple, and has good right to convey the same;

Second, that the party of the second part shall quietly enjoy the said premises;

Third, that the premises are free from incumbrances, except as aforesaid;

Fourth, that the party of the first part will execute or procure any further necessary assurance of the title to said premises;

Fifth, that the party of the first part will forever Warrant the title to said premises;

Sixth, the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

In Witness Whereof, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF


DONA L. McFADDEN

L.S.

State of New York)
County of Cattaraugus) ss.

On AUGUST 17, 2000, before me, the undersigned, a Notary Public in and for the said State, personally appeared, DONA L. McFADDEN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

CYNTHIA L. CHAMBERLAIN
NOTARY PUBLIC
Cattaraugus Co., New York
Commission Expires
August 17, 2001


NOTARY PUBLIC

STATE OF NEW YORK, COUNTY OF CATTARAUGUS ss.
DEED RECORDED ON THE

day of _____, 2000, at _____ o'clock _____ M. in Liber _____ of
Deeds at Page _____ and examined

Clerk

RETURN RECORDED DEED TO: PETERS & PLOETZ, 680 Broad Street, Salamanca, NY 14779



TVGA ENGINEERING, SURVEYING, P.C.

One Thousand Maple Road

P.O. Box H

Elma, NY 14059-0264

Office: (716) 655-8842

Fax: (716) 655-0937

990017

November 19, 2001

Michael Nickolson
PO Box 148
Ellicottville, NY 14731

Re: ZBA-2001-05 39 Mill Street – Non-Conforming Use

Dear Mr. Nickolson:

On November 19, 2001 the Village of Ellicottville Zoning Board of Appeals held a public hearing regarding your request for a modification of a Non-Conforming Use.

The Village Zoning Board of Appeals determined to table a decision on your application for a change in Non-Conforming Use pending additional information about the specific retail use(s). The application will be included on the agenda for the next ZBA meeting.

If you have any questions please feel free to contact me at through the Town Hall or directly at TVGA Engineering, Surveying, P.C., 655-8842.

Very truly yours,

TVGA ENGINEERING, SURVEYING, P.C.

Gary Palumbo, AICP
Senior Planner
GMP:a

Enc.

cc: Tom Abriatis, Building Inspector
990017.2

**PLANNING BOARD
TOWN OF ELLICOTTVILLE, NEW YORK**

NOTICE OF PUBLIC HEARING

Pursuant to Section 274-b of the NYS Town Law, a public hearing before the Town of Ellicottville Planning Board will be held on Monday, December 17, 2001 at 7:45 p.m. to consider:

PB-01-12

Conditional Use application by Regent Development to permit a medical office to be developed in an existing, vacant commercial building located at 6129 Route 219S (tax map number 55.002-2-5).

Application materials are available for review at the Town Hall, One West Washington Street, from 9:00 a.m. to 4:00 p.m. Monday, Tuesday, Thursday, and Friday and from 9:00 a.m. to 12:00 noon on Wednesdays. The Planning Board will hear all interested persons at the public hearing. Persons wishing to do so may submit written comments at or prior to the public hearing.



Catherine Stokes, Town Clerk

Former Sr. Regotes Bldg.



TVGA ENGINEERING, SURVEYING, P.C.

One Thousand Maple Road

P.O. Box H

Elma, NY 14059-0264

Office: (716) 655-8842

Fax: (716) 655-0937

990017

March 19, 2002

Michael Nickolson
PO Box 148
Ellicottville, NY 14731

Re: ZBA-2001-05 39 Mill Street – Non-Conforming Use

Dear Mr. Nickolson:

On November 19, 2001 the Village of Ellicottville Zoning Board of Appeals held a public hearing regarding your request for a modification of a Non-Conforming Use. At that time the ZBA tabled decision on your application pending additional information about the specific retail use(s).

Your application was discussed at the December 17, 2001 ZBA meeting. The proposal is to create a 36' x 36' retail space at this time to be occupied by Windsong Studio for the production and sale of handcrafted ceramics, furniture and paintings and textiles. The ZBA agreed that future retail uses in the building will only require individual zoning permits for each new business as it comes into the Building Inspector.

The ZBA granted approval to the Modification of the existing Non-Conforming Use at 39 Mill Street in order to allow Retail Commercial Establishments provided the following conditions of Approval are met:

- 1) Liquor, tobacco and alcohol, automobile sales are excluded.
- 2) All production and display of goods shall be limited to inside the building.
- 3) The footprint of the building shall not change with the exception of a 6' x 36' front porch roof

The approval is not transferable to uses other than those listed in the Zoning Local Law of 1991 as Retail Commercial Establishment's (excluding above noted uses) without review and approval by the ZBA.

If you have any questions please feel free to contact Tom Abriatis at 699-4773 or myself directly at TVGA Engineering, Surveying, P.C., 655-8842.

Very truly yours,

TVGA ENGINEERING, SURVEYING, P.C.

Gary Palumbo, AICP
Project Manager
GMP:c

Enc.

cc: Tom Abriatis, Building Inspector
990017.2



Mark D. Alianello, P.E.

Consulting Engineer

Telephone (716) 699-4650
Fax (716) 699-4682

P.O. Box 604
Three Bristol Ln.
Ellicottville, New York 14731

October 23, 2013

Tom Abriatis, C.E.O.
Village of Ellicottville
9 Mill Street
Ellicottville, NY 14731

Re: Code Review 39 Mill Street
New Tenant Space

Dear Tom,

Mike Nickolson is the owner of the multi-tenant space building at 39 Mill Street in Ellicottville, New York. Mike is going to convert the remaining vacant space located at the North end of the building into storage or business rental space. I have reviewed the 2010 NYS Building Code for the requirements of the firewall or tenant separation wall. If the space was going to be used as a business to business separation, the wall would need to be a 1 hour rated fire partition according to Section 402.7.2 and 708.3. Mike also stated that he might use the space for storage, until he finds a tenant. According to Table 508.3.3 Required Separation of Occupancies, the required separation between a business occupancy and an S-1 or S-2 storage occupancy would be 2 hours for a non-sprinkler building. Mike is going to construct the wall as a 2 hour rated UL301 designed wall, 2 layers of 5/8" type X gypsum board on each side of a 2"x4"@16" o.c. wood stud wall. I have enclosed the NYS Building Code sections, a survey of the property and the UL301 design sheet. Please contact me, if you have any questions.

Thank you,

Aaron B. Tiller
Project Engineer
MDA Engineers

Enclosures

Cc: Mike Nickolson ✓

Town of Ellicottville
Building Department
1 West Washington Street
Ellicottville, NY 14731
(716)699-4773

NUMBER BP 02-09 DATE 4/22/2007

This notice, which must be prominently displayed on the property or premises to which it pertains indicates that a

BUILDING PERMIT

has been issued to NICKOLSON CONST.
permitting the construction of RETAIL STORE

at 39 MILL ST.

All work shall be executed in strict compliance with the permit application, approved plans, the Uniform Fire Prevention and Building Code, and other laws, rules and regulations which apply. The building permit does not constitute authority to build in violation of any federal, state or local law or other rule or regulation. This permit shall expire one (1) year from the above date.

Do not proceed beyond these points until countersigned by the Inspector.

Footings before pouring concrete.....	Foundation before backfill.....
Framing before enclosing	Electrical before enclosing.....
Plumbing before enclosing.....	Heating, Ventilation, Air Conditioning before enclosing.....
Insulation inspection.....	Final Inspection

Permission is hereby granted to proceed with the work as set forth in the specifications, plans or statements now on file in this Department. Any amendments made to the original plans and specifications must first be submitted for approval.

Approved by: Tom Alletto
Town of Ellicottville

COPY

Permit No. BP. 02-09

BUILDING DEPARTMENT
VILLAGE OF ELLICOTTVILLE

Location 39 MILL ST.

CERTIFICATE OF COMPLIANCE

Date OCT. 16 2002

THIS CERTIFIES that the building located at premises indicated above, conforms substantially to the approved plans and specifications heretofore filed in this office with Application for Building Permit dated 4/22/2002, pursuant to which Building Permit was issued, and conforms to all the requirements of the applicable provisions of the law. The Certificate of Compliance for which this certificate is issued is RETAIL STORES

This certificate is issued to MICHAEL NICKOLSON

Of the aforesaid building.

SIGNED:

Tom Aluiter
(Code Enforcement Officer)

Village of Ellicottville – Building Department
One West Washington Street – Ellicottville, New York 14731
716-699-4773

NUMBER B.P. 03-23

DATE 7/22/2003

This Notice, which must be prominently displayed on the property or premises to which it pertains, indicates that a

BUILDING PERMIT

Has been issued to MICHAEL NICKOLSON

Permitting the construction of RETAIL SPACE

at 39 MILL ST.

All work shall be executed in strict compliance with the permit application, approved plans, the Uniform Fire Prevention and Building Code, and other laws, rules and regulations which apply. The building permit does not constitute authority to build in violation of any federal, state or local law or other rule or regulation. This permit shall expire one (1) year from the above date.

Do not proceed beyond these points until countersigned by the Inspector.

Footing before pouring concrete _____	Foundation before backfill _____
Framing before enclosing _____	Electrical before enclosing _____
Plumbing before enclosing _____	Heating, Ventilation, Air Conditioning before enclosing _____
Insulation inspection _____	Final Inspection _____

Permission is hereby granted to proceed with the work as set forth in the specifications, plans or statements now on file in this Department. Any amendments made to the original plans and specifications must first be submitted for approval.

Approved by: Tom Armitage
Village of Ellicottville

PERMIT

PERMISSION IS HEREBY GRANTED TO

NAME MIKE NICKOLSON

ADDRESS 39 MILL ST.

TO BUILD RENOVATION

PERMIT NO. 06-03

By TOM ABRATIS
Building Inspector, Ellicottville

CRB 116-3

VILLAGE OF ELLICOTTVILLE
P.O. Box 475
Ellicottville, NY 14731

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH	
AMT. PAID		CHECK	500
BALANCE DUE		MONEY ORDER <input type="checkbox"/>	
		CREDIT CARD <input type="checkbox"/>	

CASH RECEIPT Date 2/6/06 000954

Received From GM Nickolson

Address 39 mill

For BP 06-03 Dollars \$ 500

By R Geary