

June 20, 2022

To Greg Keyser, AICP, Village of Ellicottville Planner

Re: ZBA application for 9 Elk Street/Winters property

As requested at the June 7, 2022, Zoning Board of Appeals meeting, I am including here the following documents to support our application for repairs and improvements to our cottage at 9 Elk Street.

1. Letter from John Good of Real Property Consultants of WNY and retired Code Enforcement Officer
2. Letter from Thomas Siener, Retired Certified Industrial Hygienist and mold specialist
3. Letter from Charlie Coolidge, Construction Consultant
4. Letter of medical condition affecting balance

In addition to the single-family home designation, it seems that the exception under section 7.7 has not been recognized following the June meeting. I spoke with Kelly Fredrickson last week and he said that the accessory vs SFH, has been resolved, but the outstanding issue is the non-conformance as a 3 unit and the extension question. Our attorney, Alex Basinski, identified the exception clause under section 7.7, which states that changes to currently lawful non-conforming buildings, which existed prior to the enactment of the Zoning Ordinance shall NOT be deemed the extension of a non-conforming use. Our cottage was built in 1984 and the Zoning laws were implemented in 1991.

Would you consider addressing this consideration of the code with the ZBA, present our property inspection reports and other letters, remind the Board of the applicable variances being requested and the assessment of the weighted questions.

Thank you!



Michelle Winters

June 20, 2022

To the Village of Ellicottville Zoning Board of Appeals and Village Planner, Greg Keyser;

I have assessed the building and proposed plans for the dwelling at 9 Elk Street in Ellicottville.

The conditions of the property include the following:

- Low building elevation, significantly lower than street and sidewalk
- Evidence of recent flood water adjacent to the house
- Evidence of wood rot at base of house and around doors
- Utilities are crammed into small closet and mostly inaccessible
- House has been sandbagged by owner in effort to limit water under house and in the flexible air ducts.

My assessment of the condition of this house and how long it has been this way is concerning. It is my understanding that the owners have dug a hole under the building and replaced the air ducts annually. This has only addressed the air quality when the furnace is in use. This building needs a full basement to address the following construction repairs:

- Repair wood structure as needed based on the potential findings of mold and/or rot
- Need to provide for median support column in alignment with loft support.
- Replace flexible air ducts with fixed air ducts
- Regrade plumbing to street to properly discharge
- Relocate utilities to be accessible
- Shore up the bathroom floor and tub, which is currently mounted incorrectly

I am in agreement with the proposed basement as the best means to make these repairs and provide for maintenance to manage plumbing, sanitary, ventilation and utilities.

Charlie Coolidge

Construction consultant





Date: June 22nd 2022

Patient: Sydni Winters

DOB: 10/26/2001

Diagnosis: Astrocytoma of brain

TO WHOM IT CONCERNS:

The John R. Oishei Neuro Oncology Team has been following Sydni for her diagnosis of "Astrocytoma of Brain".

If there are any questions or concerns, please contact us at our office:

Pediatric Neuro Oncology & Neurofibromatosis
John R. Oishei Children's Hospital
Neuro Oncology Clinic (716) 323-6190
Neurofibromatosis Clinic (716) 323-6170
FAX: (716) 323-6656

Thank you,

Neuro Oncology Team of John R. Oishei Children's Hospital

Signature: _____

A handwritten signature in blue ink, appearing to read "Khandanah", is written over a horizontal line. The signature is stylized and includes a large, sweeping flourish that extends to the right.

Date: _____

6/22/2022

Real Property Consultants of WNY, Inc.

Residential and Commercial Inspections, Appraisals and Consulting

June 16, 2022

To whom it may concern:

Re: Safety Inspection of 9 Elk St, Ellicottville, NY

At the request of and on behalf of Craig and Michell Winters I conducted a safety inspection of the above property.

The following issues of significance were noted:

1. There is a narrow spiral staircase which is the only egress from the second floor of the dwelling. These stairs do not meet current code or safety requirements for safe egress from a second floor in an emergency. In addition, these can present a particular hazard to an individual who has any type of mobility problems or issues. The installation of an addition with standard staircase would alleviate this health and safety issue.
2. The furnace, hot water heater and electrical service panel are all located in a small (about three-by-five) closet near the rear door of the dwelling. The safety issue is the location of the electric service panel which is behind the furnace and not safely accessible for tripping of breakers or servicing by technicians. This location is in violation of New York State and National Electrical Code requirements for accessibility of an electric service panel. The Construction of an addition to the home would allow for relocation of this panel to a safer location with proper access.
3. The windows on the second floor of the dwelling do not offer adequate fire egress or rescue openings. By New York State Code these are required to have a minimum of 5.7 sf of opening area which these windows do not appear to have. The roof slope currently inhibits installation of proper windows on the second floor. The construction of an addition would allow for proper light, ventilation, and fire rescue openings.

If you have any further questions, please contact me at (716) 609-1473.

Sincerely:



John L. Good
FHA 203K Consultant #P101
Certified New York State Code Enforcement Officer

Thomas Siener, CIH
Environmental Health and Safety Services

5183 Bayview Road
Hamburg, N Y 14075

Cell: 716/597-5868

To the Village of Ellicottville Zoning Board of Appeals:

I have been certified as an Industrial Hygienist (CIH) since 1982 and over the years I have worked on a vast number of projects for clients involving indoor air quality issues including mold investigations. In reviewing the situation for the property located at 9 Elk Street in the Village of Ellicottville, it is my opinion that the frequent inundation of water beneath the cottage and into the heating air ducts presents ideal conditions for mold growth, which has been observed by the owners. Given the past many incidences of flooding under the cottage and water entry into the flex heating ducts it is more than likely that mold growth has been occurring and will likely continue to occur if the proposed plan to raise the building with a proper foundation is not completed.

According to the Center for Disease Control and Prevention (CDC), exposure to damp and moldy environments may cause a variety of health effects. Molds produce allergens (substances that can cause allergic reactions) and irritants. Inhaling or touching mold or mold spores may cause allergic reactions in sensitive individuals. Allergic responses include hay fever-type symptoms, such as sneezing, runny nose, red eyes, and skin rash.

Allergic reactions to mold are common. They can be immediate or delayed. Molds can also cause asthma attacks in people with asthma who are allergic to mold. In addition, mold exposure can irritate the eyes, skin, nose, throat, and lungs of both mold-allergic and non-allergic people.

The World Health Organization, National Academy of Medicine, and National Toxicology Program all confirm that occupants of damp, moldy buildings have an increased chance of respiratory problems, such as shortness of breath and worsening asthma.

Certain mold species produce specific mycotoxins under specific circumstances. Molds can also produce a number of potentially irritating substances that can be

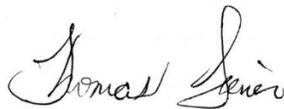
divided into volatile organic compounds (VOCs) and particulates (eg, spores, hyphae fragments, and their components).

Volatile Organic Compounds (VOCs) made by molds (MVOCs) are responsible for their musty odor. MVOCs include a wide range of alcohols, ketones, aldehydes, esters, carboxylic acids, lactones, terpenes, sulfur and nitrogen compounds, and aliphatic and aromatic hydrocarbons.

According to the Environmental Protection Agency (EPA), the key to mold control is moisture control. Raising the building with a proper foundation as proposed would control the moisture and thereby resolve the recurring mold issue.

Let me know if you have any questions regarding this information.

Respectfully,

A handwritten signature in cursive script that reads "Thomas Siener". The signature is written in black ink and is positioned below the word "Respectfully,".

Thomas Siener

Certified Industrial Hygienist (ret.)