

Unapproved, date approved: _____

**VILLAGE OF ELLICOTTVILLE
PLANNING BOARD MEETING MINUTES
DECEMBER 12, 2023**

PRESENT: Nancy Rogan, Chairperson
Chad Neal, Member
Damon, Newpher, Member
Gregory Cappelli, Alternate Member

ALSO PRESENT: Gregory Keyser-Village Planner, Kelly Fredrickson-CEO,
Blair Hamilton, Cathleen Pritchard, Chuck Parerci,

AGENDA: VZP-2022-081- 23 Parkside Drive- John Dickinson
Architectural Design Amendment -Single family
residence with accessory apartment

VZP-2023-368- 8 Washington Street- Kathleen Moriarty
Sign Permit for new hanging sign

VZP-2023-369- 8 Bristol Lane (Tim & Bonnie's Pizza) Kody Sprague
Architectural Design Review-New storefront entrance

DISCUSSION: Nancy Rogan, Chairperson called the meeting to order at 5:30 p.m. with four members present and presented the agenda.

The Minutes of the November 7, 2023 Planning Board Work Session were read.

MOTION: Moved by Greg Cappelli to approve the Minutes of the November 7, 2023 Planning Board Work Session as read. Seconded by Chad Neal. Vote 3-0. Carried.

The Minutes of the November 14, 2023 Planning Board Meeting were read. Corrections were made.

MOTION: Moved by Chad Neal to approve the Minutes of the November 14, 2023 Planning Board Meeting as corrected. Seconded by Greg Cappelli. Vote 3-0, Carried

DISCUSSION: Nancy Rogan presented VZP-2022-081, 23 Fillmore Drive, John Dickinson, Architectural Design amendment to the single-family residence with accessory apartment.

Greg Keyser advised that the Planning Board granted approvals on August 9, 2022 to allow the construction of a single-family residence with an accessory apartment. The structure was not built according to the approved plans and discrepancies include:

- Roof lines were changed.

- Stone panels were not installed at the base of columns located in front of the garage.
- Full stone panel siding was installed around the main entryway.
- Landscaping was not installed.
- A decorative sign feature was installed on the front of the building.

The Planning Board should review the changes and determine if the amendment is a minor or major amendment to the approved plans. If determined to be a minor amendment, the Planning Board may proceed with the Architectural Design Review for the proposed changes. If determined to be a major amendment that substantially alters the Special Use Permit granted or the approved Site Plan, the Planning Board should follow the full site plan and/or special use permit review process. He noted that the landscaping has been installed.

Greg Cappelli noted that the changes were made after the approval. Do we have a fine or some way to keep this from happening? Not just a slap on the hand.

Greg Keyser stated that the applicant received a violation order.

Chuck Parerci, a neighbor on Fillmore Drive stated that after the house was built and the sign feature was in place I was informed Mr. Dickinson had no permits and there appears to be two significant violations. Also the basement is 8 feet high which is not allowed in the floodplain. His basement is 5 feet lower than mine which is built to regulations. This is not a family residence and is used as a rental with airbnb with cars parking along the street.

Nancy Rogan stated that what is happening is alarming. Should we be alarmed at the way the basement was built? Did he build it according to the approved plans? Are there other issues with the basement?

Greg Keyser said he can pull the plans and check.

Greg Cappelli asked, does John Dickinson have a certificate of occupancy?

Kelly Fredrickson said yes. He has had it for about a year. The plans he submitted for the file showed the trusses in the roof line. I did not know the Planning Board saw a different plan at their meeting.

Chad Neal said that the changes are major and substantially alters the Special Use Permit granted and the Site Plan approval and requires a full review process.

Chuck Parerci noted that the Planning Board is empowered by New York State to make regulations. I expect Mr. Dickinson to make corrections to his house to meet the approved plans.

Greg Cappelli advised that Mr. Dickinson is a contractor who builds houses for other people. Did you make a complaint to the Planning Staff on the short term rentals?

Mr. Parerci said only a verbal complaint, nothing in writing.

Mr. Cappelli said that if 3 verified complaints are submitted the short term rental license can be revoked.

Greg Keyser stated that after the sign feature was installed I reached out to Mr. Dickinson and advised him that he needed approval for the changes and to provide information on the changes. If he did not comply he would be in violation of the zoning and fines would be levied. Once he was aware of the problems he tried to rectify the issues.

Greg Keyser asked that the Planning Board table this application to allow him and Kelly Fredrickson to investigate and have the sign feature taken down.

Nancy Rogan noted that the sign might be allowed, but the Planning Board has to approve it.

MOTION: Moved by Greg Cappellil to table VZP-2022-081, 23 Parkside Drive, John Dickinson, Architectural Design Amendment to a single-family house with accessory apartment pending further investigation of zoning code violations. Seconded by Chad Neal. Vote 3-0. Carried.

DISCUSSION: Nancy Rogan presented VZP-2023-368, 8 Washington Street, Kathleen Moriarty, Sign Permit application for a new hanging sign.

Greg Keyser presented the double sided rectangular carved sign that is 58 inches by 30 inches and will be hung 8 feet above the ground. The white background will have black and gold lettering and meets the sign regulations. A drawing was submitted. The Attea & Attea sign will replace a similar size and shaped sign at the same location.

MOTION: Moved by Greg Cappelli to approve the sign permit application for a double sided 58 inch by 30 inch rectangular carved sign with 3 colors to be hung 8 feet above the ground at 8 Washington Street as presented in VZP-2023-368 by Kathleen Moriarty. Seconded by Chad Neal. Vote 3-0. Carried.

DISCUSSION: Nancy Rogan presented VZP-2023-368, 8 Bristol Lane, Kody Sprague, Architectural Design Review of new exterior door at Tim & Bonnie's Pizza.

Greg Keyser advised that the new door will serve as a second entrance to the restaurant to allow an increase to the permitted occupancy under the NYS Building Code. The new door will be the same as the existing door.

A representative for Tim & Bonnie's asked can we put in a temporary door to fill the opening made by the removal of the old door? The new door will arrive in early January.

Kelly Fredrickson said that we will need to see what the temporary door will look like?

Damon Newpher asked if the applicant can provide the date in January that the new door will be installed?

MOTION: Moved by Chad Neal to grant approval to install a temporary door that meets NYS requirements at 8 Bristol Lane for Tim & Bonnie's Pizza pending arrival of a permanent door. Seconded by Damon Newpher. Vote 3-0. Carried.

MOTION: Moved by Chad Neal to grant Architectural Design approval for the installation of a new exterior door at Tim & Bonnie's Pizza, 8 Bristol Lane as submitted in VZP-2023-369, by Kody Sprague. Seconded by Greg Cappelli. Vote 3-0. Carried.

DISCUSSION: Nancy Rogan asked Cathleen Pritchard if she had business before the Planning Board?

Ms. Pritchard said she was here with regard to 41 Mill Street, the Richard and Joan Graci application for a new single-family residence.

Greg Keyser advised that this project is not on the agenda. The Graci's have been advised to work with Phil Vogt on the possibility of applying for a re-subdivision of the property. The existing subdivision has shared water, sewer and driveway access which will have to be addressed.

MOTION: Moved by Chad Neal to adjourn at 6:00 p.m. Seconded by Greg Cappelli. Vote 3-0. Carried.

Submitted by: Donna Baldwin, Secretary