

**VILLAGE OF ELLICOTTVILLE  
PLANNING BOARD WORK SESSION MINUTES  
DECEMBER 5, 2023**

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

**ALSO PRESENT:** Gregory Keyser-Village Planner, Kelly Fredrickson-CEO, Ben Slotman-Village Engineer, Richard Stanton-Village Attorney, Aaron Tiller-Architect, John Dickinson-Applicant, Jamel Perkins-Applicant, Richard & Joan Graci-Applicants

Nancy Rogan, Chairperson opened the meeting at 4:30 p.m. with three members present and presented the agenda for the December 12, 2023 meeting.

**DISCUSSION:** Greg Keyser presented VZP-2022-081, 23 Parkside Drive, John Dickinson, Amendment to Architectural Design Approval. The Planning Board granted approvals on August 9, 2022 to allow the construction of a single-family residence with an accessory apartment. Upon inspection it was discovered that the structure was not built to the approved plans. The 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, a sign/decorative feature was installed on the front of the building and the landscaping was not installed.

John Dickinson advised that he built the house for his personal use. The roof construction changed because I used trusses. The landscaping has now been completed. The decorative feature with the name of the house was made by my daughter to distinguish the house for renters. He noted that he did not know he needed approval for the changes.

Greg Keyser asked, does this happen in other towns where you build houses?

Mr. Dickinson said every village and town is different. He submitted the plan for the trusses when he applied for the Building Permit.

Mr. Keyser noted that the house was constructed according to New York State building and fire codes. 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.

Nancy Rogan noted that the Planning Board has never had a situation where someone put a sign on a house.

Greg Keyser advised that the sign regulations do not prevent a sign naming a house. The Planning Board could consider it an architectural feature.

Greg Cappelli asked are you renting the house short term?

John Dickinson said that the house is his personal residence but he is renting the apartment and has applied for a short term rental license.

Greg Keyser noted that there is a disturbing trend of people altering approved plans without approval. He asked if the Planning Board needed any more information before the December 12, 2023 meeting?

Nancy Rogan advised Board members to review the architectural changes before the December 12, 2023 meeting.

**DISCUSSION:** Greg Keyser presented VSP-2023-368, 8 Washington Street, Kathleen Moriarty, sign permit application to allow the replacement of an existing sign with a new 58 inch by 30 inch double faced rectangular sign. The sign meets the regulations and a drawing was submitted.

**DISCUSSION:** Greg Keyser presented VZP-2023-369, 8 Bristol Lane, Kody Sprague, Architectural Design Review of a proposal to install a new exterior door at Tim & Bonnies Pizza. 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.

Kelly Fredrickson noted that when they closed the bowling alley last year the loss of the second entrance changed their occupancy. The new door will match the style of the doors on the rest of the building. It meets the building and fire code requirements.

Nancy Rogan noted that the new door should match the existing door at Tim and Bonnies Pizza.

**DISCUSSION:** Greg Keyser presented VZP-2023-298, 16 Fillmore Avenue, Jamel & Josie Perkins, Site Plan and Architectural Design Review of proposed single family house with an accessory apartment above the garage. The Planning Board tabled the application pending review of the plans by Barton & Loguidice and more information with regard to building a house in the floodplain fringe where possible flooding may occur.

Aaron Tiller, representing the applicants, advised that the lot has been removed from the floodplain and he has letters from the applicants and the engineer verifying the removal. He noted that the basement will be built with waterproof walls and a pump system and will be above the elevation of the nearby pond. He has made the owners aware of the risk of building a full basement in this area.

Greg Cappelli asked can an acknowledgement by the owners of the floodplain situation be filed with the property deed?

Richard Stanton noted that restrictive covenants can be attached to a deed when filed at the

Cattaraugus County Clerk's office. Conditions of approval can be made prior to issuance of a building permit. This will help to eliminate the "I did not know" argument.

Greg Keyser said that we may need to update the zoning regarding restrictions near the floodplain.

Greg Keyser advised that he sent the plans to Barton & Loguidice for review. The Planning Board has 62 days following the close of the public hearing to act on the application.

**DISCUSSION:** Greg Keyser presented VZP-2023-370, 37 Washington Street, Peter .. Kreinheder, pre-application conference for a change of use concept.

Aaron Tiller, representing Peter Kreinheder, advised that the building sits on a "flag lot" consisting of a narrow strip of land running southeast from Washington Street. While the property has a Washington Street address the building does not have frontage on Washington Street. The proposal is to use the property for temporary overnight accommodations of business guests, and employees (boutique hotel). This is not a "dwelling" under the Village Zoning Ordinance which explicitly excludes any sort of transient usage from the definition of a "dwelling unit".

Richard Stanton noted that if not a dwelling unit, but used as transient housing it could be a commercial use.

Nancy Rogan stated that previously Mr. Kreinheder asked for apartments only in this structure. He was informed that apartments were allowed if he provided a commercial space on the first floor. The Zoning Regulations require that the first floor of buildings in the VC-1 District remain as commercial or retail space and not converted to residential use.

Aaron Tiller noted that Mr. Kreinheder discussed having an office on the first floor which would meet the criteria. The proposal is to have 1 bedroom on the first floor and 2 bedrooms on the second floor.

Greg Cappelli stated that most boutique hotels have dining or reception on the first floor. Mr. Tiller said there could be a living room, kitchen, dining, one bedroom and bath on the first floor with 2 bedrooms and bath on the second floor.

Richard Stanton asked about long term rentals?

Aaron Tiller said if rental is for longer than 30 days it becomes an apartment.

Greg Cappelli said we are trying to maintain the integrity of downtown.

Nancy Rogan advised that the building was used for storage for a long time. The Planning Board agreed to it being moved from Monroe Street to its present location for commercial use as per the VC-1 district criteria.

Richard Stanton stated that if the building doesn't have a layout for commercial or retail business it loses its status for commercial use. It has to be open to the public.

Nancy Rogan suggested that the Planning Board members have a site visit to look at the interior of the building. Greg Keyser suggested a visit on January 2, 2024.

Aaron Tiller said he will present his client with the discussion and ideas from this meeting and arrange an on site visit.

**DISCUSSION:** Greg Keyser presented VZP-2023-274, 41 Mill Street, Richard & Joan Graci, Site Plan and Special Use Permit review of new single-family residence with an accessory apartment.

Richard Stanton advised that the original subdivision approval was for 3 lots with duplex units. The path forward for the property owner would be to petition to re-subdivide. The Planning Board can act as long it follows the regulations.

Aaron Tiller asked can they apply for an amendment to the approval?

Mr. Stanton stated that a condition of the re-subdivision would be a 3 lot consolidation into 2 lots following the subdivision regulations.

Nancy Rogan noted that the original applicant sold a parcel as a single-family residential lot. The Planning Board is not responsible for this situation.

Aaron Tiller noted that Phil Vogt did not have any deed restrictions filed.

Nancy Rogan stated that the approval was for lots and structures that blended in with the character of the neighborhood.

Mr. Stanton said that the path forward is to apply for a re-subdivision with the owner of the duplex on one lot and the 2 lots for sale separate following the process for re-subdivision and Architectural Design Review. The Board can not prejudge.

Nancy Rogan stated that the proposed single-family house does not meet the character of the neighborhood. Form, mass and scale need to be looked at.

Aaron Tiller said are you saying we can move forward with re-subdivision but need a different house?

Mr. Keyser advised that they can submit an application for re-subdivision and architectural design review at the same time.

Greg Cappelli said we need to consider what can be built on the remaining lot.

Mr. Keyser said he has received several inquiries on the remaining lot, but no one wants to build a duplex.

**DISCUSSION:** Greg Cappelli noted that a number of projects keep coming back to the Board for further review or changes. We need to look at the process and also the fee structure. We need to use Barton & Loguidice in a way that frees up time for the Planning Department staff to do other necessary work.

Richard Stanton noted that permit fees are too low. Fees should cover the cost of reviewing the project.

Mr. Cappelli noted that not every application will cost the same.

Ben Slotman, Village Engineer noted that the fee structure for both the Village and Town needs to be reviewed.

Greg Keyser said he engages Barton & Loguidice to look at issues such as the floodplain and basement issue at 16 Fillmore Avenue. We use them for more complex issues as they are not going to look at zoning issues.

Greg Cappelli asked how do we streamline the process to reduce the workload for the Village Planner and the Code Enforcement Officer?

Nancy Rogan closed the meeting at 6:30 p.m.

Submitted by: Donna Baldwin, Secretary