

**VILLAGE OF ELLICOTTVILLE
ELLICOTTVILLE, NY
PLANNING BOARD MEETING MINUTES
JULY 12, 2022**

PRESENT: Nancy Rogan, Chairperson
Sheila Burrell, Member
Damon Newpher, Member
Sandy Reed Cook, Member

ALSO PRESENT: Greg Keyser-Village Planner, Caleb Henning -MDAConsulting Engineers, Lisa Duckett-Applicant, Evan Duckett, Shane Kell-Applicant, Kevin Kell, Aaron Tiller-Architect, Cindy Kelly, Kevin Kelly-Applicants, Patti Crist, Cathleen Pritchard, Sean Cooke, Ryan Thomson, Breanna Waid-Halla, Mrs. John Nelson

AGENDA: VPB-2022-03- 36 Washington Street (Structural Alteration)
Second floor porch addition- Special Use Permit
Site Plan Review, Architectural Design Review
Historic Design Review
Public Hearing- July 12, 2022

VPB-2022-072- 13 Elizabeth Street (New Construction)
New single-family dwelling
Site Plan & Architectural Design Review

VPB-2022-105- 79 Elizabeth Street (Structural Alteration)
Two story residential addition
Architectural Design Review

VPB-2022-107- 6 Fillmore Drive (New Construction)
New Single-family dwelling
Site Plan & Architectural Design Review

VPB-2022-111- 9 Monroe Street (Change of Use)
Special Use Permit & Site Plan Review

DISCUSSION: Nancy Rogan, Chairperson called the meeting to order at 5:30 p.m. and opened the public hearing for VPB-2022-03, 36 Washington Street, Madigans, a Special Use Permit application, Site Plan, Architectural Design and Historic District review of proposed second floor porch. The 306 s.f. porch addition will extend over the sidewalk andl meets the applicable zoning regulations. The addition is in the public right of way and within the highway

right of way under jurisdiction of the New York State Department of Transportation. The applicant is restoring the building to its original architecture which had a second story porch.

Mrs. Rogan asked for questions or comments from the people attending?

Patti Crist who owns the neighboring property asked that the tree in front of her property be protected and remain in place.

Aaron Tiller, representing the applicants, said the tree can remain. The porch will not extend that far.

MOTION: Moved by Damon Newpher to close the public hearing for VPB-2022-03, 36 Washington Street, second story porch addition. Seconded by Sandy Reed Cook. Roll call vote: Sheila Burrell-yes, Damon Newpher-yes, Sandy Reed Cook-yes, Nancy Rogan-yes. Carried.

DISCUSSION: Nancy Rogan called the regular meeting to order with four members present. She presented the agenda for changes, additions or approval. The agenda was approved as submitted.

The Minutes of the June 14, 2022 meeting were read.

MOTION: Moved by Sheila Burrell to approve the Minutes of June 14, 2022 as read. Seconded by Sandy Reed Cook. Roll call vote: Sheila Burrell-yes, Damon Newpher-yes, Sandy Reed Cook-yes, Nancy Rogan-yes. Carried.

DISCUSSION: Nancy Rogan presented VPB-2022-03, Madigans, 36 Washington Special Use Permit, Site Plan, Architectural Design and Historic District review for discussion.

Greg Keyser advised that a 239 referral to the Cattaraugus County Planning Board is not required as this proposed addition is exempt from referral under Exhibit A, Item 8 of the Referral Exemptions Agreement between Cattaraugus County and the Village of Ellicottville.

The construction of a 306 s.f. porch addition appears to meet the definition of a Type II Action under Section 617.5(c)(9) of the SEQR Regulations. The Planning Board should classify the project as a Type II Action before taking action on the application.

MOTION: Moved by Sheila Burrell that based on its review of the Short EAF, the Planning Board determines that the proposed project does not have any significant environmental impacts and prepares a Negative Declaration. Seconded by Sandy Reed Cook. Roll call vote: Sheila Burrell-yes, Damon Newpher-yes, Sandy Reed Cook-yes, Nancy Rogan-yes. Carried.

MOTION: Moved by Damon Newpher to grant a Special Use Permit for the proposed second story porch to extend over the sidewalk and into the right of way at Madigans, 36 Washington Street as per materials submitted in VPB-2022-03 with the condition that if New York State Department of Transportation requires removal of the porch at a future date the responsibility

is on the applicant. Seconded by Sandy Reed Cook. Roll call vote: Sheila Burrell-yes, Damon Newpher-yes, Sandy Reed Cook-yes, Nancy Rogan-yes, Carried.

MOTION: Moved by Sandy Reed Cook to grant Site Plan review of the proposed second story porch to extend over the sidewalk into the right of way at Madigans, 36 Washington Street, as per materials submitted in VPB-2022-03. Seconded by Sheila Burrell. Roll call vote: Sheila Burrell-yes, Damon Newpher-yes, Sandy Reed Cook-yes, Nancy Rogan-yes. Carried.

MOTION: Moved by Sheila Burrell to grant Architectural Design approval for the proposed second story porch as reviewed under the Architectural Design Guidelines, at Madigans, 36 Washington Street as presented in materials in VPB-2022-03. Seconded by Sandy Reed Cook. Roll call vote: Sheila Burrell-yes, Damon Newpher-yes, Sandy Reed Cook-yes, Nancy Rogan-yes. Carried.

MOTION: Moved by Sandy Reed Cook to grant Historic District Design approval for the proposed second story porch which adds an historic feature to the building at 36 Washington Street, as reviewed under the Historic District guidelines as per materials presented in VPB-2022-03. Seconded Damon Newpher-yes. Roll call vote: Sheila Burrell-yes, Damon Newpher-yes, Sandy Reed Cook-yes, Nancy Rogan-yes. Carried.

DISCUSSION: Nancy Rogan presented VPB-2022-72, 13 Elizabeth Street, Site Plan and Architectural Design review of a new single-family dwelling.

Greg Keyser presented his staff report on this proposal to construct a single family dwelling in the Village Residential District. The proposed house meets the dimensional requirements in the zoning. The 1.1 acre lot is in the 100 year flood zone and there is a utility easement across the property. A grading plan, landscaping plan and the location of the utilities from the street to the structure need to be provided.

The Planning Board reviewed the elevation drawings and Nancy Rogan noted that the Board has to abide by the Architectural Design guidelines.

Lisa Duckett said that Mr. Anderson, her architect, thought this was a good design.

Mrs. Rogan stated that it has to fit into the character of the neighborhood and pointed out the double doors. She asked which elevation is the front of the house?

Evan Duckett clarified which drawing is the front with a single door. There are double doors on the side.

Nancy Rogan advised that the Planning Board has questions on the design and asked that Mr. Anderson attend the August 2, 2022 work session to answer questions.

Lisa Duckett said she will ask Mr. Anderson to attend the meeting and that a landscaping plan will be provided in the future.

DISCUSSION: Nancy Rogan presented VPB-2022-81, 23 Parkside Drive, Special Use Permit, Site Plan and Architectural Design review of new single-family dwelling with attached

garage and accessory apartment.

Greg Keyser advised that the Planning Board reviewed the proposal at the June meeting and had questions with regard to the stone veneer on the front of the house. Caleb Henning, representing the applicants, provided information on the stone and also more detail on the site plan.

Nancy Rogan noted that the Board reviewed the information at the work session and if it feels the application is complete; a public hearing can be set for the August meeting.

MOTION: Moved by Sandy Reed Cook to set a public hearing for VPB-2022-81,23 Parkside Drive Special Use Permit, Site Plan and Architectural Design review of a new single-family dwelling with attached garage and accessory apartment for August 9, 2022 at 5:30 p.m. Seconded by Damon Newpher. Roll call vote: Sheila Burrell-yes, Damon Newpher-yes, Sandy Reed Cook-yes, Nancy Rogan-yes. Carried.

DISCUSSION: Nancy Rogan presented VPB-2022-105, 79 Elizabeth Street, Architectural Design review of a proposed 2-story addition.

Greg Keyser presented his staff report. The applicant is proposing to construct a new 935 s.f. two story addition to an existing one family residence. The property is in the Village Residential District and encompasses approximately 19,166 s.f. with frontage on Elizabeth Street. The site meets the dimensional standards for lot, site and building height regulations.

If the planning board feels it has enough information for a meaningful public review a public hearing can be set for the August meeting.

MOTION: Moved by Sheila Burrell to set a public hearing for VPB-2022-105, 79 Elizabeth Street, Architectural Design review of proposed 2-story addition for August 9, 2022 at 5:30 p.m. Seconded by Damon Newpher. Roll call vote: Sheila Burrell-yes, Damon Newpher-Yes, Sandy Reed Cook-yes. Nancy Rogan-yes. Carried.

DISCUSSION: Nancy Rogan presented VPB-2022-107, 6 Fillmore Drive, Site Plan and Architectural Design review of new single-family dwelling.

Caleb Henning, representing the applicant, presented the site plan and elevation drawings for the proposed new 2,877 s.f. Single-family residence located on approximately 15,750 s.f. of property located in the Medium Density District. The dimensional standards in the zoning for size, height, and open space are met.

Mr. Henning referred to the elevation drawings and noted that he changed the front windows to double-hung per the discussion at the work session. He noted that there are townhouses and other houses in the area with fixed windows.

Nancy Rogan stated the issue was the size, they should be larger to match the other windows on the facade. Could you add mullions?

Mr. Henning said he will make the changes before the next meeting.

Nancy Rogan asked if the Board feels the application is complete and to set a public hearing for the August meeting?

MOTION: Moved by Sandy Reed Cook to set a public hearing for VPB-2022-107, 6 Fillmore Drive, Site Plan and Architectural Design review of a new single-family dwelling for August 9, 2022 at 5:30 p.m. Seconded by Damon Newpher. Roll call vote: Sheila Burrell-yes, Damon Newpher-yes, Sandy Reed Cook-yes, Nancy Rogan-yes. Carried.

DISCUSSION: Nancy Rogan presented VPB-2022-111, 9 Monroe Street, Special Use Permit application for change of use.

Greg Keyser presented the staff report on this change of use from retail commercial to retail/entertainment accessory use involving online. The proposal does not involve any structural alterations to the building or physical changes to the lot.

The proposed accessory use requires approximately 3 off-street parking spaces based on the non-residential requirements for intensive retail, commercial shops selling directly to the public. Section 13 requires that if any use is changed from one use to another which requires more off-street parking spaces, there shall be provided additional off-street parking for the new use on site. No on-site parking is possible and the Zoning Code allows the applicant to secure off-site parking at another location within close proximity of the business. The Planning Board may require that the applicant provide a legal agreement with an off-site property owner to provide dedicated parking space for use by the applicant.

Ryan Thomson, manager of LFM presented the plans for the retail space. The main floor will have arcade games for in person use. They will be selling computer games which a customer may try out on site. We will load the games and control what the customer has access to. In the future we would like to work with the schools to provide educational games for students.

Nancy Rogan noted that in her research she discovered that you can get a college degree in gaming. Will you be targeting young people or all ages?

Mr. Thomson said all ages. The plan is to sell memberships at a reduced hourly or flat rate enabling all village residents to use the games.

Damon Newpher noted that school districts have this concept for students.

Nancy Rogan noted this is good for children with special needs.

Mr. Thomson said the plan is to target residents to use the arcade and computer games on site. We have had a lot of interest from walk-ins. We will eventually target schools.

Sandy Reed Cook asked how do you monitor the use of the computers?

Ryan Thomson said each customer is given a password when the time expires the computer will shut down. Hours of operation will be Friday 5 pm to 9 pm. and Saturday 12 to 8 pm.

Damon Newpher asked can you control what people are doing on the computer?

Mr. Thomson said yes.

Nancy Rogan asked can you control the number of people and the hours?

Mr. Thomson said yes.

Mr. John Nelson, applicant advised that this business will provide jobs for the community. There will be 12 games and 8 employees on site.

Nancy Rogan asked will you provide food?

Ryan Thomson said we may provide some beverages and packaged snacks. We don't want to have food and drinks around the computers.

Aaron Tiller advised that the applicant is negotiating for a parking space with Peter Kreinheder. Mr. Kreinheder is having his attorney work on an agreement.

Nancy Rogan noted that if they do so the Planning Board will have to review Mr. Kreinheder's parking plan.

Ryan Thomson said that the current employees walk to work and do not need parking spaces.

Greg Keyser asked if there will be an age limit for children under 16?

Ryan Thomson said customers have to be 18 years or older.

Nancy Rogan asked can you legally have an age limit?

Mr. Thomson said yes. Anyone under 13 would have to be accompanied by an adult. We do not want children dropped off without supervision.

Mrs. Nelson said we may have specific hours for school children.

Sheila Burrell noted that this is a wonderful idea.

Nancy Rogan asked if the Board feels it has enough information to set a public hearing?

MOTION: Moved by Sandy Reed Cook to set a public hearing for VPB-2022-111, 9 Monroe Street Special Permit and Site Plan review of change in use for August 9, 2022 at 5:30 p.m. Seconded by Sheila Burrell. Roll call vote: Sheila Burrell-yes, Damon Newpher-yes, Sandy Reed Cook-yes, Nancy Rogan-yes. Carried.

MOTION: Moved by Sheila Burrell to adjourn at 6:35 p.m. Seconded by Damon Newpher. Roll call vote: Sheila Burrell-yes, Damon Newpher-yes, Sandy Reed Cook-yes, Nancy Rogan Yes. Carried.

Submitted by: Donna Baldwin, Secretary

