

**VILLAGE OF ELLICOTTVILLE  
PLANNING BOARD MEETING MINUTES  
MAY 10, 2022**

**PRESENT:** Nancy Rogan, Chairperson  
Sheila Burrell, Member  
Sean Cornelius, Member  
Damon Newpher, Member  
Sandy Reed, Member  
Greg Cappelli, Alternate Member

**ALSO PRESENT:** Greg Keyser- Village Planner, Kelly Fredrickson- CEO,  
John Sabatos-Applicant, Aaron Tiller-Architect,  
Kathleen Moriarity-Applicant

**AGENDA: VPB-2022-10 - 31 East Washington Street, John Sabatos  
Accessory building with apartment  
Application for Special Use Permit  
Site Plan and Architectural Design Review**

**VPB-2022-47 - 12 Monroe Street, Kathleen Moriarity  
Change of use to condominium  
Application pending for Special Use Permit**

**DISCUSSION:** Nancy Rogan, Chairperson called the meeting to order at 5:30 p.m. with six members present.

The Minutes of the March 8, 2022 meeting were read. Corrections were made.

**MOTION:** Moved by Sean Cornelius to approve the Minutes of March 8, 2022 as corrected. Seconded by Sandy Reed. Vote 5-0. Carried.

**DISCUSSION:** Nancy Rogan presented VPB-2022-10, 31 East Washington Street, John Sabatos, accessory building with an apartment.

Greg Keyser presented the staff report on this application for a Special Use Permit, Site Plan Review and Architectural Design Review for a new accessory building (garage) with an apartment to replace the existing garage. The pre-existing lot (16,323 s.f.) is located in the Village Residential District.

The single-family dwelling and accessory building are Permitted Uses in the VR District with Site Plan and Architectural Design Review from the Planning Board. The accessory

apartment requires a Special Use Permit which would only allow the establishment of the apartment, but its rental for periods less than 30 days is Not Permitted in the VR District per the zoning amendment adopted July 2019.

The proposed accessory building meets the zoning requirement with regard to front yard, side yard, rear yard setbacks, height and open space. The property is located within Floodplain Zone AE and the applicant will have to apply for a Floodplain Development Permit. A short EAF Part 1 should be provided. This is a Type II Action under SEQR Part 617.5(c)(9) and no further review will be required. A 239 Referral to Cattaraugus County Planning will not be required for this application because it is exempt from referral under Exhibit A, Item 11 of the Referral Exemptions agreement between Cattaraugus County and the Village.

If the Planning Board feels it has enough information for a meaningful public review it can set a public hearing for the June meeting.

Aaron Tiller, Architect, representing John Sabatos presented the plans to demolish the existing garage and replace it with a new 14 foot by 66 foot garage with an apartment consisting of 1 bedroom, bath and kitchen. There will be a covered patio in the rear. The vinyl siding and metal roof will match the house. Parking is provided in the existing driveway.

Nancy Rogan advised that the Planning Board needs to see a parking plan as the apartment requires four spaces and vehicles cannot be parked tandem in the driveway.

Mr. Tiller said he will provide a parking plan for the June meeting.

Mr. Keyser noted that the Planning Board could review the parking plan at the June 7, 2022 work session.

**MOTION:** Moved by Sean Cornelius to set a public hearing for VPB-2022-10, 31 East Washington Street, Special Use Permit application for an accessory garage with apartment for June 14, 2022 at 5:30 p.m. Seconded by Damon Newpher. Roll call vote: Sheila Burrell-yes, Sean Cornelius-yes, Damon Newpher-yes, Sandy Reed-yes. Carried.

**DISCUSSION:** Nancy Rogan presented VPB-2022-47, 12 Monroe Street, Kathleen Moriarity, an application to change the apartment to a condominium.

Greg Keyser stated this is a pre-application conference to discuss changing the existing apartment to a condominium which requires a Special Use Permit and minor subdivision. He has contacted the Village Attorney with regard to how to proceed.

Kathleen Moriarity advised that this is not a new development, but an existing building. The first floor is approximately 1700 s.f. and the apartment is about  $\frac{1}{3}$  of that area. She is making an application for an HOA under New York State Condominium Law. As a condominium there will be a deed for the owner of the first floor and one for the owner of the second floor. The proposal has to be approved under Village Zoning Code. She has contracted with John Northrup for one off site parking space, but needs to figure out a better parking situation. She

also needs to figure out how to separate the utilities. The current utility room is on the first floor.

Sean Cornelius asked, with the owner structure changing will the use be the same with commercial on the first floor and residential on the second?

Ms. Moriarity said yes.

Damon Newpher noted that the utility room and parking need to be addressed.

Sandy Reed asked, will there be separate utility meters?

Kathleen Moriarity said the gas and water are currently on one meter. The other utilities have separate service and meters.

Mr. Keyser said he will check with the water department and the local law for clarification.

Typically there is one water meter per property.

Nancy Rogan asked that Mr. Keyser and Mr. Fredrickson work with Ms. Moriarity so she can make an application.

Kathleen Moriarity said she would like to be on the June meeting agenda.

Mr. Keyser said if she submits the materials by May 17, 2022 she will be on the June 14, 2022 meeting agenda.

**MOTION:** Moved by Sheila Burrell to adjourn at 6:00 p.m. Seconded by Sandy Reed. Roll call vote: Sheila Burrell-yes, Sean Cornelius-yes, Damon Newpher-yes, Sandy Reed-yes. Carried.