

**VILLAGE OF ELLICOTTVILLE
ELLICOTTVILLE, NY
PLANNING BOARD MEETING MINUTES
AUGUST 9, 2022**

PRESENT: Nancy Rogan, Chairperson
Sheila Burrell, Member
Chad Neal, Member
Sandy Reed Cook, Member

ALSO PRESENT: Gregory Keyser-Village Planner, Kelly Fredrickson-CEO,
Lisa Feinberg-Duckkett-Applicant, Michael Anderson-Architect
Aaron Tiller-Architect, Kevin & Cindy Kelly-Applicants, Caleb
Henning-MDA Consulting Engineers, Kathleen Moriarity-Applicant,
John Burrell-Village Mayor

AGENDA: VPB-2022-081- 23 Parkside Drive Lot 15 (New Construction)

New single-family dwelling with accessory apartment
Special Use Permit, Site Plan & Architectural Design Review
Public hearing August 9, 2022

VPB-2022-105-79 Elizabeth Street (Structural Alteration)

Two story residential addition-Architectural Design Review
Public Hearing August 9, 2022

VPB-2022-107- 6 Fillmore Drive (New Construction)

New single family dwelling- Site Plan & Architectural Design Review
Public Hearing August 9, 2022

VPB-2022-111- 9 Monroe Street (Change of Use)

Online gaming lounge- Special Use Permit & Site Plan Review
Public Hearing August 9, 2022

VPB-2022-072- 13 Elizabeth Street (New Construction)

New single-family dwelling- Site Plan & Architectural Design Review

VPB-2022-112-12 Monroe Street (Change of Use)

Condominium Conversion-Special Use Permit & Subdivision

VPB-20220-138-11 Parkside Drive (New Construction)

New Single Family dwelling- Site Plan & Architectural Design Review

DISCUSSION: Nancy Rogan, Chairperson called the meeting to order and opened the public hearing for VPB-2022-081, 23 Parkside Drive, John Dickinson, Special Use Permit, Site Plan and Architectural Design Review of new single-family dwelling with attached garage and accessory apartment. The proposal is to construct a 2,200 s.f. dwelling in the Medium Density District on an approximately 14,000 s.f. lot with frontage on Parkside Drive..

She asked for questions from the people attending.

Greg Keyser stated that no written or verbal comments were received in response to the public hearing notice which was published in accordance with local law.

MOTION: Moved by Sheila Burrell to close the public hearing for VPB-2022-081, 23 Parkside Drive, Dickinson, Special Use Permit, Site Plan and Architectural Design Review of new single-family dwelling with accessory apartment. Seconded by Sandy Reed Cooke. Roll call vote: Sheila Burrell-yes, Sandy Reed-yes, Nancy Rogan-yes. Carried.

DISCUSSION: Nancy Rogan opened the public hearing for VPB-2022-105, 79 Elizabeth Street, Kevin Kelly, Architectural Design Review of a proposal to construct a new 935 square foot two story residential addition to the existing house. The property is in the Village Residential District. She asked for questions or comments from the people attending.

Greg Keyser advised that no written or verbal comments were received in response to the public hearing notice which was published in accordance with local law.

MOTION: Moved by Sandy Reed Cook to close the public hearing for VPB-2022-105, 79 Elizabeth Street, Architectural Design Review of a two story addition. Seconded by Sheila Burrell. Roll call vote: Sheila Burrell-yes, Sandy Reed Cook-yes, Nancy Rogan-yes. Carried.

DISCUSSION: Nancy Rogan opened the public hearing for VPB-2022-107, 6 Fillmore Drive, Gregg Tomani, Site Plan and Architectural Design Review of a 2,887 square foot new single family dwelling on a 15,750 square foot lot in the Medium Density District.

She asked for questions or comments from the people attending.

Greg Keyser advised that no written or verbal comments were received in response to the public hearing notice which was published in accordance with local law.

Sandy Reed Cook asked if the issue with the windows has been addressed.

Caleb Henning, representing the applicant said yes we are using plan B with double hung windows.

MOTION: Moved by Sheila Burrell to close the public hearing for VPB-2022-107, 6 Fillmore Drive, Site Plan and Architectural Design Review of a single-family dwelling. Seconded by Sandy Reed Cook. Roll call vote: Sheila Burrell-yes, Sandy Reed Cook-yes, Nancy Rogan-yes. Carried.

DISCUSSION: Nancy Rogan opened the public hearing for VPB-2022-111, 9 Monroe Street, John Nelson, Special Use Permit and Site Plan Review of a change in use to an online gaming lounge. A presentation at the July meeting explained the gaming concept and

operating plans for the business. She asked for questions or comments from the people attending.

Greg Keyser advised that no written or verbal comments were received in response to the public hearing notice which was published in accordance with local law.

Sheila Burrell noted that the presentation of the online gaming lounge was excellent at the last meeting.

MOTION: Moved by Sheila Burrell to close the public hearing for VPB-2022-111, 9 Monroe Street, Special Use Permit and Site Plan Review of a change in use to an online gaming lounge. Seconded by Sandy Reed Cook. Roll call vote: Sheila Burrell-yes, Sandy Reed Cook-yes, Nancy Rogan-yes. Carried.

A Rogan opened the regular meeting with 3 members present and presented the agenda for changes, additions or corrections. The agenda was approved as submitted.

The Minutes of the July 12, 2022 meeting were read.

MOTION: Moved by Sandy Reed Cook to approve the Minutes of July 12, 2022 as read. Seconded by Sheila Burrell. Roll call vote: Sheila Burrell-yes, Sandy Reed Cook-yes, Nancy Rogan-yes. Carried.

DISCUSSION: Nancy Rogan presented VPB-2022-081, John Dickerson, 23 Parkside Drive, Special Use Permit, Site Plan and Architectural Design Review of proposed single-family dwelling with attached garage and apartment. The proposal meets the dimensional standards for lot, site and building height requirements. The accessory apartment requires a Special Use Permit.

Greg Keyser noted that the Board needs to classify this project as a Type II Action under SEQR Regulations before taking action.

MOTION: Moved by Sheila Burrell to classify the proposed construction of a single family dwelling with attached garage and accessory apartment as a Type II Action pursuant to Section 617.5 of the SEQR Regulations. No further SEQR Action is required. Seconded by Sandy Reed Cook. Roll call vote: Sheila Burrell-yes, Sandy Reed Cook-yes, Nancy Rogan-yes. Carried.

MOTION: Moved by Sandy Reed Cook to grant Special Use Permit, Site Plan and Architectural Design Review approvals for the proposed single-family dwelling with attached garage and accessory apartment at 23 Parkside Drive as presented in application materials in VPB-2022-081 from John Dickinson. Seconded by Sheila Burrell. Roll call vote: Sheila Burrell-yes, Sandy Reed Cook-yes, Nancy Rogan-yes. Carried.

DISCUSSION: Nancy Rogan presented VPB-2022-105, Kevin Kelly, 79 Elizabeth Street, Architectural Design Review of proposed 935 square foot two story addition to the existing house. The proposal meets the zoning requirements.

Mr. Keyser noted that the Board should classify this project as a Type II Action under SEQR Regulations before taking action.

MOTION: Moved by Sandy Reed Cook to classify the proposed construction of a two story addition as a Type II Action pursuant to Section 617.5 of the SEQR Regulations. No further review under SEQR is required. Seconded by Sheila Burrell. Roll call vote: Sheila Burrell-yes, Sandy Reed Cook-yes, Nancy Rogan-yes. Carried.

MOTION: Moved by Sandy Reed Cook to grant Architectural Design Review approval for the 935 square foot two story addition at 79 Elizabeth Street as presented in application materials submitted in VPB-2022-105 from Kevin Kelly.

DISCUSSION: Nancy Rogan presented VPB-2022-107, Gregg Tomani, 6 Fillmore Drive, Site Plan and Architectural Design Review of proposed new 2,887 square foot single family residence on an approximately 15,750 square foot lot in the Medium Density District. The project meets the dimensional standards for lot, site and building height regulations. The windows have been changed to double hung as requested.

MOTION: Moved by Sheila Burrell to classify the proposed project as a Type II Action pursuant to Section 617.5 of the SEQR Regulations. No further review under SEQR is required. Seconded by Sandy Reed Cook. Roll call vote: Sheila Burrell-yes, Sandy Reed Cook-yes, Nancy Rogan-yes. Carried.

MOTION: Moved by Sandy Reed Cook to grant Site Plan and Architectural Design approval for proposed single-family dwelling at 6 Fillmore Drive as per application materials submitted in VPB-2022-107 from Gregg Tomani. Seconded by Sheila Burrell. Roll call vote: Sheila Burrell-yes, Sandy Reed Cook-yes, Nancy Rogan-yes. Carried.

DISCUSSION: Nancy Rogan resented VPB-2022-111, John Nelson, 9 Monroe Street, Special Use Permit application for change in use from retail commercial to retail/entertainment accessory use involving online gaming. The accessory use requires approximately 3 off-street parking spaces based on the non-residential requirement for intensive retail, commercial shops selling directly to the public. No on-site parking is possible and the applicant can secure off-site parking at another location within close proximity of the business.

Aaron Tiller, representing the applicant advised that a parking space has been leased from Cody Sprague at 38 Washington Street. A copy of the lease is provided.

Nancy Rogan asked if there will be signage?

Mr. Tiller said no signage is proposed.

Nancy Rogan asked if we have hours of operation? The presentation in July did not give definite hours.

Mr. Tiller said he did not know the planned hours of operation.

Mrs. Rogan suggested that conditions of approval should include the parking agreement and defined hours of operation.

MOTION: Moved by Sheila Burrell that the proposed change in use is an Unlisted Action pursuant to Section 617.5 the SEQR Regulations and determines that based on its review of the Short EAF there are no significant environmental impacts and to prepare a Negative Declaration. Seconded by Sandy Reed Cook. Roll call vote: Sheila Burrell-yes, Sandy Reed Cook-yes, Nancy Rogan-yes.

MOTION: Moved by Sandy Reed Cook to grant Special Use Permit and Site Plan Review of proposed change in use for a retail/online gaming lounge at 9 Monroe Street as per materials submitted in VPB-2022-111 by John Nelson with the following conditions:

1. Lease agreement between John Nelson and Cody Sprague for off-site parking is provided for the file.
2. Hours of operation will not exceed 11 p.m. and will require review by the Planning Board if a change is proposed.

Seconded by Sheila Burrell. Roll call vote: Sheila Burrell-yes, Sandy Reed Cook-yes, Nancy Rogan-yes. Carried.

DISCUSSION: Nancy Rogan presented VPB-2022-072, 13 Elizabeth Street, Lisa Feinberg-Duckett, Site Plan and Architectural Design Review of proposed new single-family dwelling.

Michael Anderson, representing the applicant presented the elevation drawings of the proposed house.

Nancy Rogan noted the garage is at the front and suggested it be moved to the rear like other houses on the street.

Lisa Feinberg-Duckett said that the house she presented last year had a garage in the front with the doors facing Elizabeth Street.

Michael Anderson noted that if the garage is moved to the rear the house will have to be moved forward on the lot.

Mr. Keyser stated that the garage should not be the prominent feature in the front yard.

Ms. Feinberg-Duckett stated that easements on the lot limit where they can have the building envelope.

Mrs. Rogan noted that the design does not meet the setbacks. This house is for the Medium Density District not the Village Residential District. It does not meet the Architectural Design Guidelines.

Ms. Feinberg-Duckett stated that this house is approximately 2,500 square feet with an apartment over the garage for her son to use. The house approved last year was 3,400 square feet and too large for her needs.

Nancy Rogan asked can you make this house look like the approved house from last year on a smaller scale? We need to maintain the character of the neighborhood.

Greg Keyser noted that the application does not include a Special Use Permit for the accessory apartment.

Michael Anderson said he will work with Ms. Feinberg-Duckett on changes to the plans.

DISCUSSION: Nancy Rogan presented VPB-2022-112, 12 Monroe Street, Kathleen Moriarity, a Special Use Permit for a condominium conversion and Subdivision approval. The applicant is proposing to change the current form of property ownership from a single property owner to a two-unit condominium to allow individual ownership of space in the current building with individual interest in the land or part of the building in common with other owners.

The current use of the property is permitted under a Special Use Permit granted by the Planning Board in July 2021, and involves a commercial building with professional offices on the first floor and an apartment on the second floor. The proposal is requesting approval for the change in the form of property ownership and does not involve any changes in the current use of the site.

Greg Keyser advised that the proposal appears to meet the definition of a Minor Subdivision which includes the following criteria:

- The division of any parcel into five (5) or fewer lots or all lots are five (5) acres or more in area; and
- All lots front on an existing public highway;and
- All lots meet the Health Department standards with regard to water supply and sewage disposal.

The Board should classify the proposal as a Minor Subdivision before acting on the Special Use Permit.

Cattaraugus County Planning Board referral is required because the property is within 500 feet of US Route 219 and is not exempt from referral.

The proposal appears to meet the definition of a Type 2 action under SEQR. The Planning Board should classify the project as an Unlisted Action and evaluate potential impacts using the Short EAF.

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

MOTION: Moved by Sandy Reed Cook to classify the proposed subdivision of 12 Monroe Street into 2 lots with professional office on the first floor and apartment on the second floor as a Minor Subdivision. Seconded by Sheila Burrell. Roll call vote:Sheila Burrell-yes, Sandy Reed Cook-yes, Nancy Rogan-yes. Carried.

MOTION: Moved by Sheila Burrell to set a public hearing for VPB-2022-112, 12 Monroe Street, Kathleen Moriarty, a Special Use permit application for condominium conversion of property ownership for September 13, 2022 at 5:30 p.m. Seconded by Sandy Reed Cook. Roll call vote: Sheila Burrell-yes, Sandy Reed Cook-yes, Nancy Rogan-yes. Carried.

DISCUSSION: Nancy Rogan presented VPB-2022-138, Robert & Beth Stephens, 11 Parkside Drive Site Plan and Architectural Design Review of proposed new single-family dwelling.

Aaron Tiller, representing the applicants presented Site Plan and elevation drawings of the proposed 4,643 square foot house is in the Medium Density District and meets the dimensional standards for lot, site and building height requirements.

Nancy Rogan noted that the Board reviewed the plans at the August 2, 2022 work session. If the Board feels it has enough information for a meaningful public review a public hearing can be set for the September meeting.

MOTION: Moved by Sheila Burrell to set a public hearing for VPB-2022-138, 11 Parkside Drive, Site Plan and Architectural Design Review of proposed new single-family residence for September 13, 2022 at 5:30 p.m. Seconded by Sandy Reed Cook. Roll call vote: Sheila Burrell-yes, Sandy Reed Cook-yes, Nancy Rogan-yes. Carried.

Nancy Rogan noted that this is Sandy Reed Cook's last meeting. She has served on the Planning Board for over 30 years.

Mayor John Burrell recognized her dedicated service to the Village of Ellicottville and thanked her for her service. He noted that Chad Neal will be the new Planning Board member and welcomed him.

MOTION: Moved by Sandy Reed Cook to adjourn at 6:30 p.m. Seconded by Sheila Burrell. Roll call vote: Sheila Burrell-yes, Sandy Reed Cook-yes, Nancy Rogan-yes. Carried.

Submitted by Donna Baldwin, Secretary