

**OVILLAGE OF ELLICOTTVILLE
ZONING BOARD OF APPEALS
MEETING MINUTES OCTOBER 4, 2022**

PRESENT: Fred Musolff, Chairman
Mike Painter, Member
Lisa Saunders, Member
Harry Weissman, Member

ALSO PRESENT: Gregory Keyser-Village Planner, Jacob Alianeallo-MDA Consulting Engineers, Elaine Northrup-Applicant

Mr. Fred Musolff, Chairman called the meeting to order at 5:31 p..m.
He presented the agenda for changes, additions or approval.

Moved by Ms. Saunders to accept the agenda as presented. Seconded by Mr. Painter. Ayes all. Carried.

The Minutes of the September 6, 2022 meeting were read.

Moved by Ms. Saunders to approve the Minutes of September 6, 2022 as read. Seconded by Mr. Weissman. Ayes all. Carried.

Mr. Musolff presented VZBA-2022-074, Elaine Northrup, 11 Madison Street area variance requests in order to construct a residence. He noted that this is a change in the rear yard setback variance which was previously approved. The Village Planning Board asked that the garage be moved back at the front of the house which changed the rear yard setback.

Mr. Jacob Alianello, representing the applicant, advised that in June the ZBA granted 3 variances for the proposed residential structure. When the applicant applied to the Village Planning Board for Site Plan, Architectural Design and Historic District review and a Special Use Permit for the accessory apartment, the Planning Board asked that the garage be moved back so as not to be the prominent feature at the front. New plans were prepared moving the garage back 11 feet to be in line with the front porch. The inside layout had to be reconfigured and this added four feet to the rear of the house. The rear yard setback will now be 28.1 feet where 35 feet is the requirement.

Ms. Elaine Northrup advised that she needs to live on one level and had to add the 4 feet to make the bathroom handicap accessible. The Planning Board did not want the garage to be prominent in the front. She has had a conversation with the neighbor at the rear of the property and he has no issue with the change in the setback.

Ms. Saunders asked, is the square footage of the house the same?

Ms. Northrup said it is smaller by about 7 feet. The rear of the house is now a straight line.

Mr. Musolff asked how far from the property line is the rear of the house?

Mr. Alianello said 28.1 feet. It was 32.1 feet with the previously approved variance.

Mr. Keyser presented his staff report on this application for variances in order to construct a new 2,838 square foot single-family dwelling with an accessory apartment. The ZBA granted area variances for the combined side yard, rear yard, and front yard setbacks on June 7, 2022. The site plan has been revised increasing the variance needed for the rear yard setback. The Zoning Board of Appeals should address all 3 variances at this time: Minimum Combined Side Yard Setback- required 30.0 feet, proposed 22.0 feet for a variance of 8.0 feet (27%). Minimum Rear Yard Setback- required 35.0 feet, proposed 28.1 feet for a variance of 6.9 feet (19%). Minimum Front Yard Setback-required 25.0 feet, proposed 20.0 feet for a variance of 5.0 Feet (20%). When granting the change to the rear yard setback, the Board should confirm the front yard and combined side yard setback variances granted on June 7, 2022.

The proposed project meets the definition of a Type 2 action under Part 617.5(17) involving the granting of area variances for a single-family residence. As a Type 2 action under SEQR, the project is not expected to have any significant adverse environmental impacts and no further review under SEQR is required. The ZBA should move to classify the project as a Type 2 Action before acting on the variance requests.

Cattaraugus County Planning Board referral is not required because the granting of area variances involving building setbacks is exempt from review under Item 1 of the referral exemptions agreement between the Village and County.

If the ZBA members feel they have enough information for a meaningful public review a public hearing can be set for the November meeting.

Moved by Mr. Weissman to accept the application as complete and set a public hearing for VZBA-2022-074, 11 Madison Street, area variance requests for front yard, combined side yard and rear yard setbacks for November 1, 2022 at 5:30 p.m. Seconded by Mr. Painter. Ayes all. Carried.

Moved by Ms. Saunders to adjourn. Seconded by Mr. Weissman. Ayes all. Carried.

The meeting was adjourned at 5:55 p.m.