

**TOWN OF ELLICOTTVILLE
ZONING BOARD OF APPEALS
Thursday, September 1, 2022 at the Town Center**

PRESENT: Darin Wiechman, Vice-Chairman
Kathy McGoldrick, Member
Gail Scheeler, Member

ALSO PRESENT: Gregory Keyser-Town Planner, Kelly Fredrickson-COE, Jeff Fisher-PAFCO, Jak Fisher-PAFCO

Mr. Darin Wiechman, Vice-Chairman called the meeting to order at 6:00 p.m.

The Minutes of the August 4, 2022 Meeting were read. Corrections were made.

**Moved by Ms. McGoldrick to approve the Minutes of August 4, 2022 as corrected.
Seconded by Ms. Scheeler. Ayes all. Carried.**

Mr. Wiechman presented TZBA-2022-145, 6847 Springs Road, Olive Ojala, Area Variance request for front and side yard setbacks to allow the construction of an accessory garage in the front yard.

Mr. Greg Keyser presented his staff report on this request for area variances from Section 3.4(D)(1) and Section 3.4(D)(2) to allow the construction of a 24'x24' private detached garage less than the minimum setbacks from the front and side property lines. The property is approximately 28,200 square feet and is located in the Medium Density District.

Based on the information provided, the following area variance area required.

Front Yard Setback (front property line): Required 35 feet, proposed 9 feet for a variance of 26 feet (74%). Side Yard Setback (west property line) Required 15 feet, proposed 2.5 feet for a variance of 12.5 feet (83%).

The project does not exceed any Type 1 thresholds under 617.4 of SEQR and appears to meet the definition of a Type 2 action under 617.5(c)(12) and 617.5(c)(6) of SEQR. The ZBA should 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 variance for accessory structure setbacks is exempt from review under Item 1 of the referral exemptions agreement between the Town and Cattaraugus County Planning Board.

If the ZBA feels it has enough information for a meaningful public review a public hearing can be set for the October 6, 2022 meeting.

Mr. Wiechman asked if there is an elevation drawing of the proposed garage available?

Mr. Jeff Fisher, representing Olive Ojala, the applicant said no. It is a standard garage with a 16' x 8' garage door, no windows and LP smart siding. The roof pitch is 4/12 and the colors will match the existing house. The proposed site of the garage is a flat area on the property. He asked if approval can be granted before October as he would like to build the garage while the weather is good.

Mr. Keyser noted that this is the standard procedure as a public hearing notice has to be published and sent to adjoining property owners. The ZBA would have to set a special meeting at an earlier date and that would not meet the time frame needed. Approval could be granted at the October 6 meeting.

Moved by Ms. McGoldrick to set a public hearing for TZBA-2022-145, Olive Ojala, 6847 Springs Road for area variance requests to front yard and side yard setbacks for October 6, 2022 at 6:00 p.m. Seconded by Ms. Scheeler. Ayes all. Carried.

Moved by Ms. Scheeler to adjourn. Seconded by Ms. McGoldrick. Ayes all. Carried.

The meeting was adjourned at 6:15 p..