

**VILLAGE OF ELLICOTTVILLE
MINUTES OF JOINT MEETING OF
PLANNING BOARD AND ZONING BOARD OF APPEALS
APRIL 21, 2020**

Planning Board

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

Zoning Board of Appeals

Fred Musolff, Chairman
Mike Painter, Member
Lisa Sauders, Member

ALSO PRESENT: Gary Palumbo-Village Planner, Kelly Fredrickson- CEO,
Greg Cappelli-Village Board, Doug Anderson-Applicant, Phil Vogt,
Kathleen Moriarty, Elaine Edwards-Applicant, Peter Kreinheder-Applicant
Mike Nickolson

AGENDA: PB-2020-01 - 12 Monroe Street-Architectural Design Review-Windows

**PB-2018-06 & ZBA- 2018-04 - 54 West Washington Street
Request to Extend Approval Beyond Expiration**

**VPB-2020-02 - 20 Washington St. (old Gin Mill/ new EBC)
Architectural Design Review - Windows**

DISCUSSION: Gary Palumbo noted that this a joint meeting of the Planning Board and Zoning Board of Appeals via teleconference as allowed by Governor's Executive Orders on the Covid-19 response. A meeting notice was published.

Nancy Rogan, Chairperson called the Planning Board meeting to order at 5:35 p.m. with five members present. The Minutes of the March 3, 2020 meeting were read. Nancy Rogan noted a correction on page 1: "Sandy Reed moved to approve the Minutes of February 11, 2020" - not Nancy Rogan.

MOTION: Moved by Sheila Burrell to approve the Minutes of March 3, 2020 as amended. Seconded by Sandy Reed. Roll call vote: Sean Cornelius-aye, Sheila Burrell-aye, Sandy Reed-aye, Damon Newpher-abstain.

Fred Musolff, Chairman called the ZBA meeting to order with three members present.

The Minutes of the September 4, 2019 meeting were read. Lisa Saunders noted a correction on page 4 which should read: "Ms. Saunders expressed concern that approving the bump out is granting *more than* the minimum relief necessary".

MOTION: Moved by Lisa Saunders to approve the Minutes of September 4, 2019 as amended. Seconded by Mike Painter. Roll call vote: Ms. Saunders-aye, Mr. Painter-aye, Mr. Musolff-aye. Carried.

DISCUSSION: Mr. Musolff presented ZBA-2018-04, 54 West Washington a request to extend the approval for the area variance for one year from Doug and Carol Anderson, Applicants.

Mr. Palumbo advised that that the zoning states that variance shall expire one (1) year from the date of approval if a building permit has not been issued. The ZBA may grant an extension of the variance for up to one additional year when the applicant is able to demonstrate legitimate need to delay the start of construction or operation, such as inclement weather, delays in financing, or similar factors.

The ZBA granted a variance to allow a 2.25 foot reduction to the minimum front yard setback to allow the construction of a garage addition on May 1, 2018 without conditions.

Mr. Musolff stated that the ZBA granted the front yard setback variance on May 1, 2018. Why the delay in obtaining a building permit?

Mr. Anderson advised that the financing did not come together as planned and they were not able to schedule construction with Mr. Vogt. Now everything is back on track.

For the record, Mr. Palumbo read the email received from Mr. Anderson on March 25, 2020.

Ms. Saunders noted that the area variance was granted on May 1, 2018. Does it expire on May 1, 2019? If we grant a one year extension will that expire on May 1, 2020?

Mr. Palumbo said the way he read the zoning code, the applicant can come back for an extension at any time after the expiration date. Mr. Fredrickson stated that the variance expires after one year if a building permit is not obtained and work hasn't commenced. No matter how you read the zoning the ZBA has to grant an extension before I can issue a building permit.

Mr. Painter asked if he is correct in understanding that the May 2018 approval expired in May 2019 and the extension would expire in May 2020?

Mr. Palumbo said yes. He noted that the plans have not changed and asked Mr. Anderson if that is correct? Mr. Anderson said that is correct.

Mr. Palumbo said since the plans have not changed granting an extension works so a building permit can be issued. If the plans were changes the entire appeal and public hearing process would apply.

Mr. Musolff noted that the zoning code does not specify when you should ask for an extension. Applicants should request an extension within a year or a reasonable time. A year later is not a reasonable time.

Mr. Palumbo said that expiration dates for granted variances is not something I look for; it's the applicant's responsibility. Is your question about the way the zoning reads or about the project?

Mr. Musolff said it is not the responsibility of the ZBA or the Planning Board to follow the time frame of approvals. Mr. Painter said he agreed with Mr. Musolff.

MOTION: Moved by Ms. Saunders to grant a one year extension for ZBA-2018-04, 54 Washington Street, Doug and Carol Anderson for 2.25 foot reduction to minimum front yard setback until May 1, 2020. Seconded by Mr. Painter. Roll call vote: Ms. Saunders-aye, Mr. Painter-aye, Mr. Musolff -ayel. Carried.

MOTION: Moved by Ms. Saunders to adjourn the ZBA meeting at 6:10 p.m. Seconded by Mr. Painter. Roll call vote: Mr. Painter-aye, Ms. Saunders-aye, Mr. Musolff-aye. Carried.

DISCUSSION: Nancy Rogan stated that the Planning Board will continue with its meeting. She welcomed Damon Newpher as a new Planning Board member.

Mrs. Rogan presented the agenda for changes, additions or approval. She asked to change to order of the agenda and address PB-2018-06, 54 West Washington Street first.

MOTION: Moved by Sheila Burrell to approve the agenda with the change to take PB-2018-06, 54 West Washington Street first. Seconded by Sean Cornelius. Roll call vote: Sheila Burrell-aye, Sean Cornelius-aye, Damon Newpher-aye, Sandy Reed-aye. Carried.

DISCUSSION: Nancy Rogan presented PB-2018-06, 54 West Washington Street, Doug and Carol Anderson, a request for a one year extension to the architectural design review approval to construct a residential addition and attached garage until May 2020.

Gary Palumbo read part of the Notice of Decision issued by the Planning Board on May 8, 2018 which included a condition that a line of 8 trees be planted for screening purposes along the property line with Greer Hill Road. He noted that the plans have not changed since the 2018 approval.

MOTION: Moved by Sean Cornelius to grant a one year extension to the PB-2018-06, approval for a proposed residential addition and attached garage at 54 West Washington Street as per plans submitted and approved on May 8, 2018 to May 8, 2020 with the same condition requiring a line of 8 trees (Green Giant Arborvitae or equivalent) shall be planted for

screening purposes along the west property line (with Greer Hill Road) starting beyond the proposed patio. The shrubs should be approximately 4 feet in height and planted approximately 5 feet on-center. Seconded by Sheila Burrell. Roll call vote: Sean Cornelius-aye, Sheila Burrell-aye, Damon Newpher-aye. . Carried.

DISCUSSION: Nancy Rogan presented PB-2020-01, 12 Monroe Street, architectural design review of proposed windows on the first floor. Gary Palumbo read the email from Kathleen Moriarty dated 3/11/20 regarding the mullions in the proposed windows at 12 Monroe Street. The Planning Board approved the plans in February so long as they contained one set of mullions so that each of the 3 proposed windows would appear to be broken up into four quadrants or if the mullions in the upstairs windows could be removed creating single pane windows, then the downstairs windows would not contain mullions. The idea was to keep the building in conformity with the rest of the Village. Several of the buildings in the Village are inconsistent when it comes to matching the upstairs windows to the downstairs windows. These include The Ellicottville Inn, Tee Bar, Alexandra, ERA offices, 1887 building, Gin Mill, Winery, Howard Hannah offices and many more. Keller Williams at 12 Monroe Street wants people to look into their windows, to see staff on duty, to know they are there and what services they offer. I request the Planning Board rescind its condition to require mullions in the downstairs windows.

Mr. Palumbo clarified that the Planning Board's condition would have allowed the windows with only 1 divider, either vertical or horizontal.

Kathleen Moriarty added that she sent an email on 4/21/20 in anticipation of this meeting which included pictures of buildings on Washington and Monroe Streets where the downstairs and upstairs windows are inconsistent. Mr. Palumbo presented those photos.

Elaine Edwards, owner of 12 Monroe Street stated that they were trying to match the windows in the Winery so that the street view was consistent. The original proposal of three 4'x 5' windows is a good option.

Kathleen Moriarty noted that Monroe Street does not get as much traffic as Washington Street and since we are trying to cut down on the number of sandwich boards on the street we need windows that can be used for display. There is no up and down consistency in other buildings. Why should there be consistency in this building?

Nancy Rogan said that there appears to be some confusion. The Planning Board decision was not to replicate the upstairs windows. We also allowed a single horizontal line.

Ms. Moriarty said that a horizontal line and 4 quadrants were also discussed.

Ms. Rogan stated that the Planning Board looks at each individual application and building when considering a proposal. The Planning Board had a consensus on the approval.

Sean Conrelius said he did not think the Board had a consensus. He feels the three 4' x 5' windows as proposed are ok and the Board should approve as submitted.

Sheila Burrell said she agrees that each building is its own situation and we cannot judge the proposal with other buildings in the Village.

Sean Cornelius we need to promote business by working with business owners.

Nancy Rogan said there is no problem with the size of the windows but feels there should be some line to break up the solid glass panels.

Sheila Burrell said there could be ramifications if we allow this type of window in the Historic District.

Gary Palumbo advised that this building is not in the Historic District.

Kathleen Moriarty said the Winery does not have a break in their windows. We do not want grids in ours.

Mr. Palumbo noted that the February approval was for 3 4'x5' windows with one vertical or one horizontal line or nothing if the mullions could be taken out of the upstairs windows. Does the Planning Board want to rescind the February decision and approve the original plan?

Mr. Fredrickson suggested that the three separate windows could have up to 3 to 5 inches in between if trim was included.

Elaine Edwards said there is space between each window and she did not think it matters if it is 3 or 5 inches. They can trim the windows to match the existing white trim on the building.

Gary Palumbo suggested that they trim out each window with the same wide existing trim on the building.

Damon Newpher noted that if the 3 windows proposed are questionable why not put in the same size windows as in the Winery if you want them to look the same.

Kathleen Moriarty said the windows submitted were to coincide with the Winery windows in size and style. They would look like the Winery.

Nancy Rogan asked if Board members were in agreement to allow the proposed windows with wider trim (painted white) to match the existing trim on the building? All Board members said yes.

MOTION: Moved by Sean Cornelius to approve PB-2020-01, proposed windows on the first floor of 12 Monroe Street as per original plans submitted and reviewed under the Architectural Design Guidelines in February (rescinding the approval conditions). The three 4'x5' windows will be trimmed in molding as wide as the trim on the existing building and painted white. Seconded by Damon Newpher. Roll call vote: Sean Cornelius-aye, Sheila Burrell-aye, Damon Newpher-aye. Carried.

DISCUSSION: Nancy Rogan presented VPB-2020-02, 20 Washington Street, EBC architectural design review of proposed front windows (facade).

Gary Palumbo presented a draft report on this proposal to open a restaurant/bar which is the same land use. The proposal before the Planning Board is for architectural design review of proposed renovations to the front of the building. Mike Nickolson submitted pictures of neighboring store fronts and CAD drawings of two window designs. These must also be reviewed under the Historic Overlay District guidelines which include. He read a portion of the standards from the zoning code.

Mr. Palumbo asked the Planning Board if the doors and stained glass in place and when survey was prepared the historic district nomination in the 1990?

Nancy Rogan said yes and NYS issued the historic district designation as the building existed at the time of their review.

Gary Palumbo asked what does the new door look like?

Mike Nickolson said the 2 doors (existing) are not legal to code. We will have to use a 36 or 42 inch door with a glass panel on the left side. Is this design style ok?

Nancy Rogan said the CAD drawing does not show us what the end product will look like. Have you reviewed Section 11 Historic District Standards of the zoning code?

Mike Nickolson said no he hadn't.

Ms. Rogan advised that the building was part of the NYS Historic District designation and renovations need to replicate the existing building as much as possible.

Gary Palumbo asked what is the material to be used under the storefront windows?

Mike Nickolson said 36 inch aluminum panels in a gray color will be installed. These are similar to the ones at the Brick and Brew on Monroe Street.

Gary Palumbo asked, is there any way to keep the stained glass windows?

Mike Nickolson said we cannot use the existing stained glass windows as they have holes in them and are not put together well.

Mr. Palumbo said the stained glass panels are part of the historic character of the building and were in place when NYS made its designation. The transom area could be broken up with dividers to replicate the squares and rectangles. Maybe it could be clear glass. Changes to the building should be minimized.

Gary Palumbo asked what are the plans for the upstairs and balcony?

Mr. Kreinheder said he can provide a color rendering of the proposed renovations. Is the proposed gray color ok?

Nancy Rogan advised that the Planning Board does not dictate colors. Our review is for architectural design and adherence to the Historic District guidelines. She noted that the

Planning Board likes the ideas but needs to see a rendering so we will know what it will look like.

Mr. Kreinheder said he has a drawing prepared by the architect which he will provide to the Planning Board. Mr. Palumbo presented the conceptual image.

Mike Nickolson said he has to remove the old store front in order to measure before he can replace it with the new one. Can he start on the removal?

Gary Palumbo said demolition work typically cannot start until approval is granted. It would be up Planning Board if in this case he could begin demolition in order to get the measurements.

Nancy Rogan said the Planning Board could review the application at the May 5 work session and act at the May 12 meeting if the application is complete. That is only two week away.

Mr. Palumbo asked does this general plan and materials work? Planning Board members said yes.

MOTION: Moved by Sean Cornelius to adjourn. Seconded by Sheila Burrell. Roll call vote: Sean Cornelius-aye, Sheila Burrell-aye, Damon Newpher-aye. Carried.

The meeting was adjourned at 7:40p.m.

Submitted by Donna Baldwin, Secretary