

**VILLAGE OF ELLICOTTVILLE
ELLICOTTVILLE, NY 14731
PLANNING BOARD MEETING MINUTES
APRIL 13, 2021**

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

ALSO PRESENT: Gary Palumbo-Village Planner, Greg Cappelli-Village Board,
Joseph Nosbisch-Applicant, Caleb Henning-MDA Consulting Engineers,
Aaron Tiller-Architect, Lana Marino-Applicant, Martha Mangan-Applicant,
Peter Mangan, Harry Weissman, Kevin Kelly, Julian Ly, Kristin Salbasur,
John Sabatos-Applicant, Lisa Feinberg-Duckett-Applicant, Evan Duckett,
Michael Anderson- Abstract Architecture, Tom George-Applicant,
Shelby Toth-The Villager

AGENDA: VPB-2021-14 - 21 Elk Street-Porch Renovation & Covered Patio

Site Plan and Architectural Design Review
Public Hearing April 13, 2021

**VPB-2021-16 - 66 Elizabeth Street-Garage Renovation for accessory
Apartment & exterior house renovations**

Special Use Permit
Site Plan and Architectural Design Review
Public Hearing April 13, 2021

**VPB-2021-17 - 1 Adams Street- Garage reconstruction for accessory
Apartment**

Special Use Permit
Site Plan and Architectural Design Review
Public Hearing April 13, 2021

VPB-2021-08 - 74 Elizabeth Street-New Single-Family Residence

Site Plan and Architectural Design Review

VPB-2020-04 - 13 Elizabeth Street-New Single-Family Residence

Site Plan and Architectural Design Review

**VPB-2021-023- 31 East Washington Street-Garage Addition for
Accessory Apartment**

Special Use Permit
Site Plan and Architectural Design Review

VPB-2021-027-37 Mill Street-Additional Accessory Apartment
Special Use Permit
Site Plan and Architectural Design Review

2020 Comprehensive Plan Committee-Review & Update
Results of March 29 work session and “homework”

Nancy Rogan, Chairperson called the meeting to order at 5:30 p.m. with four members present and opened the public hearing for VPB-2021-14, Joseph Nosbisch, 21 Elk Street, Site Plan and Architectural Design Review of proposed porch renovation and covered patio.

DISCUSSION: Gary Palumbo presented his staff report on exterior renovations to the front porch and rear patio. The applicant seeks to construct a roof and screen enclosure over the existing rear patio and wrap the existing front porch around the side to the rear patio. The extension of the front porch is approximately 8 feet towards the side. The new roof and screen enclosure will not be any closer to the rear property line than the existing condition. The property is located in the VR District. The plans have not changed since the March 9, 2021 meeting.

The new porch extension and rear patio enclosure was the subject of an area variance appeal to the ZBA on March 2, 2021. Variances to the front and rear setbacks were granted.

Caleb Henning, representing Mr. Nosbisch presented the plans to construct a roof over the patio and also to screen in a portion of it with removable screens. The porch railing will be painted wood to match the gray on the front porch. The windows on the rear elevation are not double hung, but casement. The egress windows over the patio roof will be casement.

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

Mrs. Rogan asked for questions or comments from the people attending? Nothing was submitted.

MOTION: Moved by Sean Cornelius to close the public hearing for VPB-2021-14, 21 Elk Street, site plan and architectural design review of proposed renovations. Seconded by Sheila Burrell. Roll call vote: Sheila Burrell-aye, Sean Cornelius-aye, Sandy Reed-aye, Nancy Rogan-aye. Carried.

Nancy Rogan opened the public hearing for VPB-2021-16, 66 Elizabeth, David Marino, Special Use Permit, Site Plan and Architectural Design review of garage reconstruction for an accessory apartment and exterior house renovations.

DISCUSSION: Gary Palumbo presented his staff report on the proposed extension of the front porch and reconstruction of the existing garage for an accessory apartment. The approximately 6,566 s.f. parcel is located in the VR District.

The porch extension and garage/apartment were subject to variance requests for side yard setbacks and maximum height requirement of an accessory structure. On April 6, 2021 the ZBA granted the side yard variances as requested and a modified height to the accessory building

Aaron Tiller, representing Mr. Marino presented the plans for a wrap around porch in the front, a raised roof on the rear section of the house and a new garage/barn with accessory apartment on the second floor. At the ZBA meeting we lowered the garage roof to closer meet the zoning requirement. The applicants have remodeled the house and are trying to improve their property by replacing the existing barn which is falling down.

Nancy Rogan asked for questions or comments from the people attending? Mr. Palumbo advised that the public hearing notice was published in accordance with local law. One fax was received from Sally and Glyn Davis of 69 Elizabeth Street in favor of the project.

Lana Marino advised that the garage apartment is for a guest area. Mark has adult children and we need a guest room for them as there are not enough bedrooms in the house.

MOTION: Moved by Sandy Reed to close the public hearing for VPB-2021-16, 66 Elizabeth Street, Special Use Permit, Site Plan and Architectural Design review. Seconded by Sean Cornelius. Roll call vote: Sheila Burrell-aye, Sean Conrelius-aye, Sandy Reed-aye, Nancy Rogan-aye. Carried.

Nancy Rogan opened the public hearing for VPB-2021-17, 1 Adams Street, David & Martha Mangan, Special Use Permit, Site Plan and Architectural Design review of garage reconstruction for an accessory apartment.

DISCUSSION: Gary Palumbo presented his staff report on this proposal to demolish an existing barn and construct a new accessory building for an accessory apartment. The approximately 9,792 s.f. parcel is a corner lot located in the VR District.

The accessory building was subject to area variance appeals to the ZBA. On April 6, 2021 the ZBA granted a 5 foot variance to the minimum side yard setback on Elizabeth Street and a variance to the modified maximum height for the accessory building.

Aaron Tiller, representing the applicant presented the plans for the accessory apartment building. The house is small and the applicants need guest space. The structure is designed to blend in with the neighborhood. Two parking spaces at the front are provided. The siding will be clapboard with shingles on the roof.

Mrs. Rogan asked for questions or comments from the people attending?

Mr. Palumbo advised that 8 emails were received in response to the public hearing notice which was published in accordance with local law. All were in favor of the project.

Nancy Rogan said we appreciate the positive comments about the Mangan family, but are looking for comments on zoning issues with the project that the Board needs to address.

Martha Mangan noted that the neighbors wrote letters in favor of the project. We came to a resolution with the ZBA on the setbacks and height based on what Mr. Tiller designed. We are using the same footprint. The apartment is for family use. We want to keep the character of the neighborhood by improving our property.

Aaron Tiller noted that the structure is not on the same footprint but moved over 5 feet.

MOTION: Moved by Sandy Reed to close the public hearing for VPB-2021-17, 1 Adams Street, Special Use Permit, Site Plan and Architectural Design review. Seconded by Sheila Burrell. Roll call vote: Sheila Burrell-aye, Sean Cornelius-aye, Sandy Redd-aye, Nancy Rogan-aye. Carred.

Nancy Rogan opened the regular meeting. She presented the agenda for changes, additions or approval. The agenda was approved as submitted.

The Minutes of the March 9, 2021 meeting were read.

MOTION: Moved by Sheila Burrell to approve the Minutes of March 9, 2021 as read. Seconded by Sean Cornelius. Roll call vote: Sheila Burrell-aye, Sean Cornelius-aye, Sandy Reed-aye, Nancy Rogan-aye. Carried.

DISCUSSION: Nancy Rogan presented VPB-2021-14, 21 Elk Street, Site Plan and Architectural Design review for discussion.

Gary Palumbo advised that Site Plan review is required for new construction under Section 6-3. Following the ZBA's action, there are no remaining site plan issues. The exterior renovations are subject to ADR by the Planning Board in accordance with applicable design standards in Chapter 10-9. There will be new roof lines in the rear for the patio roof. There are new double hung windows on the south side and two casement windows on the second floor rear. Casement windows in the rear can be allowed because they are not visible from the street.

Mr. Palumbo noted that the renovations to a single-family house is a Type II Action under SEQR Part 617.5(c)(9) and no further review is required. The Planning Board should move to classify this a Type II Action.

Mr. Palumbo said it appears that the general intent of the Village Comprehensive Plan, Zoning and applicable development policies are met. He offered draft motions for the Board to consider.

Sean Cornelius noted that this is a well thought out plan and fits with the guidelines.

MOTION: Moved by Sheila Burrell to determine that the Site Plan Review is a Type II SEQR action, pursuant to Section 617.5(c)(12) of the SEQRA regulations. No further review under SEQR is required. Seconded by Sandy Reed. Roll call vote: Sheila Burrell-aye, Sean Cornelius-aye, Sandy Reed-aye, Nancy Rogan-aye. Carried.

MOTION: Moved by Sean Corelius to grant Site Plan and Architectural Design approval for exterior renovations to the front porch and rear patio, including adding a roof over the rear patio and painted wood railing to the porch as depicted on the Site Plan dated February 4, 2021 and application materials in VPB-2021-14. Seconded by Sandy Reed. Roll call vote: Sheila Burrell-aye, Sean Cornelius-aye, Sandy Reed-aye, Nancy Rogan-aye. Carried.

DISCUSSION: Nancy Rogan presented VPB-2021-16, 66 Elizabeth Street, Special Use Permit, Site Plan and Architectural Design Review.

Gary Palumbo noted that a single-family residence and accessory building are “Permitted” uses in the VR District. The addition of an accessory apartment in the new building is subject to a Special Use Permit. The Special Use Permit is only for the establishment of the apartment, but rentals less than 30 days are “Not Permitted” in the VR District in accordance with zoning amendment adopted July 2019.

Sean Cornelius stated that this is a solid plan to replace the deteriorating barn and the neighbors are in favor of it.

Gary Palumbo advised that Site Plan review is required for new construction under Section 6-3. Following the ZBA’s action, there are no other site plan issues. No changes are proposed to the driveway access. The floor area ratio is already exceeded by the existing house. The exterior renovations to the house are subject to ADR in accordance with applicable design standards in Chapter 10-9.

Mr. Palumbo noted that renovation of a single-family house is a Type II Action under SEQR Part 617.5(c)(9) .

A section 239 Referral to Cattaraugus County Planning Board will not be required for this application because it is exempt from referral under Exhibit A, Item 11 of the Referral Exemption Agreement between Cattaraugus County and the Village.

Mr. Palumbo noted that demolition of structures greater than 200 s.f. in the VR District require review by the Planning Board under Section 16.9.G of the Village Zoning. The Planning Board should determine that demolition is warranted under the applicable criteria, then the new structure has to be part of an approved site plan. A demolition permit can be issued concurrently with the building permit for the new garage/accessory apartment.

MOTION: Moved by Sandy Reed to determine that Site Plan Review is a Type II Action, pursuant to Part 617.5(c)(12) of the SEQRA regulations. No further review under SEQR is required. Seconded by Sheila Burrell. Roll call vote: Sheila Burrell-aye, Sean Cornelius-aye, Sandy Reed-aye, Nancy Rogan-aye. Carried.

MOTION: Moved by Sean Cornelius to grant a Special Use Permit for accessory apartment at 66 Elizabeth Street. The Planning Board also approves the Site Plan and Architectural Design for house renovations and new garage/apartment as per materials submitted in VPB-2021-16. The Planning Board determines that the existing barn warrants demolition with a plan to replace it per Section 16.9.G. Seconded by Sandy Reed. Roll call vote: Sheila Burrell-aye, Sean Cornelius-aye, Sandy Reed-aye, Nancy Rogan-aye. Carried

DISCUSSION: Nancy Rogan presented VPB-2021-17, 1 Adams Street, Special Use Permit, Site Plan and Architectural Design Review.

Gary Palumbo advised that a single-family residence and accessory building are “Permitted” uses in the VR District. The addition of an accessory apartment in the new building is a “Special Permit” use. The SUP is only for the establishment of the apartment, but rentals less than 30 days are “Not Permitted” in the VR District in accordance with zoning amendment adopted July 2019.

The Site Plan review is required for new construction under Section 6-3. Following ZBA's action there are no other site plan issues. Access to the apartment will be from Elizabeth Street. Although the FAR now only applies to the principal building, it is noted that adding the garage apartment will increase the amount of living space on the property. The exterior renovation are subject to Architectural Design Review under applicable design standards in Chapter 10-9

Mr. Palumbo noted that renovation of a single family house is a Type II Action under SEQR Part 617.5(c)(9) and no further SEQR review is required. The Planning Board should move to declare this as a Type II Action.

A Section 239 Referral to Cattaraugus County Planning Board will not be required for this Application because it is exempt from referral under Exhibit A, Item 11 of the Referral

Exemption Agreement between Cattaraugus County and the Village.

Mr. Palumbo noted that demolition of a structure greater than 200 s.f. in the VR District requires review by the Planning Board under Section 16.9.G of the Village Zoning. The Planning Board should determine that demolition is warranted under the applicable criteria, then the new structure has to be part of the approved site plan. The demolition permit should be issued concurrently with the building permit for the new accessory apartment.

Nancy Rogan asked Aaron Tiller if the cupola could be deleted from the plan?
Mr. Tiller said yes, if you want. It is just a design element.

Nancy Rogan asked if there would be landscaping along the west property line?
Gary Palumbo noted that if the Planning Board wants the Code Enforcement Officer to review a landscaping plan you need to set a threshold.
Nancy Rogan said she is not looking for a site barrier between properties.
Sandy Reed noted that plantings would prevent the alley appearance between the two buildings.
Aaron Tiller said the owners are willing to put in plants and/or shrubs along the property line.

MOTION: Moved by Sandy Reed that Site Plan Review is a Type II Action, pursuant to Part 617.5(c)(12) of the SEQRA regulations. No further review under SEQR is required.
Seconded by Sheila Burrell. Roll call vote: Sheila Burrell-aye, Sean Cornelius-aye, Sandy Reed-aye, Nancy Rogan-aye. Carried.

MOTION: Moved by Sheila Burrell to approve Special Use Permit, Site Plan and Architectural Design review to construct an accessory apartment structure at 1 Adams Street as per materials submitted in VPB-2021-17 with the following conditions:

1. The cupola will be deleted from the plan.
2. Foundation plantings on the east and west sides shall be provided.
3. The Planning Board recognizes that demolition of the existing barn is warranted under criteria in Section 16.9.G and approval of the new plan.

Seconded by Sean Cornelius. Roll call vote: Sheila Burrell-aye, Sean Cornelius-aye, Sandy Reed-aye, Nancy Rogan-aye. Carried.

DISCUSSION: Nancy Rogan presented VPB-2021-08, 74 Elizabeth Street Site Plan and Architectural Design review of new single-family residence.

Gary Palumbo presented his staff report on this proposal to construct a single-family house on the pre-existing approximately 66'x198' (13,000 s.f.) lot in the VR District.

In 2018 the Planning Board granted Site Plan approval and Architectural Design Review approval for a single family house as depicted on plans and applications dated November 20, 2018 as part of a demolition permit. A condition of approval was: if the approved plans were

Mr. George asked if each approval needed a separate set of drawings?

Gary Palumbo said one set of drawings will be enough for both reviews.

Mr. George said he was looking for initial feedback if the proposed house will work?

Sandy Reed asked if elevation drawings for the garage at the rear of the lot will be provided?

Tom George said yes.

MOTION: Moved by Sandy Reed to table VPB-2020-08, 74 Elizabeth Street, Tom George, Site Plan and Architectural Design review of proposed single family residence pending receipt of renderings requested by the Board. Seconded by Sheila Burrell. Roll call vote: Sheila Burrell-aye, Sean Cornelius-aye, Sandy Reed-aye, Nancy Rogan-aye. Carried.

DISCUSSION: Nancy Rogan presented VPB-2020-04, 13 Elizabeth Street, Lisa Feinberg-Duckett, site plan and architectural design review of a new single-family residence.

Gary Palumbo presented his staff report on this proposed single-family house which has 1,543 s.f. footprint and a total floor area of 2,840 s.f. The pre-existing lot is approximately 44,248 s.f. and located in the VR District.

In October 2018 after closing the Site Plan public hearing, the Planning Board extended (by agreement with the applicant) the 62 day period to act on the Site Plan. In November 2020, the Planning Board had not received revised plans and denied the Architectural Design Review for exterior architectural plans (revised through August 9, 2020). Action was never taken on the August 2020 Site Plan. Because the current proposal has a revised footprint for a totally different house, a new Site Plan review is warranted. A new site plan and drawings were received and reviewed in March 2021. A public hearing was not set because the plans did not appear to comply with the intent of the Architectural Design Guidelines.

Mr. Palumbo offered the following comments on the Site Plan:

1. The fence line that was shown on the previous plan has been removed from the site plan.
2. The dimensional setbacks all appear to be met for the house.
3. The existing walking path sits on a "5 foot wide public easement" which is within a "20 foot wide sewer easement". It is unclear who holds the easements. This is important because past Planning Board decisions (including creation of this lot from the former Larimer & Norton property) may have included conditions related to the maintenance of the pathway.
4. The landscape plan no longer shows three trees on the water easement. They should be relocated to in order to allow access to the water and sewer lines.

The key question for the Planning Board will be is the design style in keeping and compatible with the character of the neighborhood and the VR District? Is the design style consistent with the Planning Board's past practice in reviewing new houses and significant additions/renovations?

Changes to Plan: Since the last meeting, some key changes in the plans include:

- a. Chimney shifted to the east side.
- b. Chimney is now a brick-to-match garage(?)
- c. Lower “third” windows on the east elevation have been removed. Two windows in front (south) elevation still are 3-high (transum) instead of double-hung.
- d. The size and proportion of most windows on the north and west elevations have been changed.

Mr. Palumbo offered the following comments on the general design:

1. Orientation: The garage is still located in front of the house (closer to the street). This is not typical on Elizabeth Street or in the VR District in general.
2. Windows: Most windows now appear to be double hung, but there are exceptions.
3. Roof: Compared to the previous plans, the roof pitches and ridge lines appear to be symmetrical. There is a note indicating that the standing seam metal roof will be grey, - the "treatment" condition is met.
4. Patio: There is an “elevated patio” on the east side which is under roof. There is no detail on posts and railings or their finishes. Posts and rails need to be painted.
5. Exterior siding materials: The house has horizontal siding, while the garage and chimney are brick.
6. It appears that the glass doors on the east side are not sliders.

Mr. Palumbo stated if the Planning Board determines that the application is complete with enough information to conduct a meaningful public review it can set a public hearing for the May 11, 2021 meeting.

Nancy Rogan said there are still architectural changes that need to be made to the plan.

Lisa Feinberg-Duckett said she is not happy with the colors in the materials submitted and may use a lighter green with a gray roof, white brick and white trim.

Nancy Rogan advised that the Board does not control colors.

Sean Cornelius said the changes that have been made are in the right direction. The garage at the front of the house has to be moved back so as not to extend beyond the front of the house. Sheila Burrell agreed with Mr. Conelius.

Ms. Feinberg-Duckett asked do you want the garage pushed back?

Sean Cornelius said yes. Nancy Rogan noted that you can push it back or have a detached garage. She noted that the two windows on the front elevation need to be changed from 3 sections to double-hung.

Gary Palumbo said there is enough information to set a public hearing. Moving the garage back may not be a significant enough change not to hold the public hearing. The 62 day time period is running out. Nancy Rogan asked when we would need revised plans. Mr. Palumbo said they must be available at least 10 days prior to the public hearing (4/30).

MOTION: Moved by Sheila Burrell to set a public hearing for VPB-2020-04, 13 Elizabeth Street, Site Plan and Architectural Design review of proposed single family house for May 11, 2021 at 5:30 p.m. Seconded by Sandy Reed. Roll call vote: Sheila Burrell-aye, Sean Cornelius-aye, Sandy Reed-aye, Nancy Rogan-aye. Carried.

DISCUSSION: Nancy Rogan presented VPB-2021-23, 31 East Washington Street, Special Use Permit, site Plan and Architectural Design review for a second floor addition to an accessory building.

Gary Palumbo presented his staff report on this proposed second floor addition to the existing garage in order to establish a lockout room. The pre-existing approximately 16,323 s.f. lot is located in the VR District.

The single-family house and accessory building are “Permitted Uses” in the VR District. The lockout room requires a Special Use Permit and Architectural Design review from the Planning Board. The Special Use Permit only allows the establishment of the Lockout Room, but rental for periods less than 30 days is “Not Permitted” in the VR District according to the zoning amendment adopted July 2019.

On April 6, 2021 the Zoning Board of Appeals granted variances for the minimum side yard and combined side yard setbacks and the height not to exceed 18’10” for the accessory building.

Nancy Rogan asked does the square footage of the accessory building meet the 70% of principal structure requirement?
Mr. Palumbo said yes.

Nancy Rogan noted that 2 parking spaces are provided at the garage. Are there parking spaces for the house?
Gary Palumbo advised that there are no changes to how the parking is provided.

Mr. Palumbo stated that if the Planning Board determines the application is complete with enough information to conduct a meaningful public review it can set a public hearing for the May 11, 2021 meeting.

MOTION: Moved by Sandy Reed to set a public hearing for VPB-2021-23, 31 East Washington Street, Special Use Permit, Site Plan and Architectural Design review of proposed second floor addition to existing garage for a lockout room for May 11, 2021 at 5:30 p.m. Seconded by Sheila Burrell. Roll call vote: Sheila Burrell-aye, Sandy Reed-aye, Nancy Rogan-aye. Carried.

DISCUSSION: Nancy Rogan presented VPB-2021-27, 37 Mill Street, Special Use Permit application for a third apartment in the existing building.

Gary Palumbo presented his staff report on this application to add a third apartment to the existing building where previously office and retail spaces were approved. The third apartment is being added on the first floor leaving 340 s.f. for future retail/office on that floor.

In the VC-2 District, three or less apartments are allowed with a Special Use Permit. Apartments must have a minimum of 550 s.f.. There will be a total of 3 apartments of 5, 4 and 2 bedrooms each. Site Plan and Architectural Design are required for the proposed exterior changes in windows and patio area.

Twelve parking spaces are provided in the front and 8 additional spaces on the south side, with access through the side yard. The parking standard is met. The floor area ratio and open space requirements are met.

A Short EAF Part 1 has been provided. A Determination of Significance must be made before taking action on the SUP and Site Plan.

If the Planning Board determines that the application is complete with sufficient information to conduct a meaningful public review it can set a public hearing for the May 11, 2021 meeting.

Nancy Rogan asked if this proposal meets the zoning requirements for the VC-2 District? Mr. Palumbo said yes. An apartment is allowed with a Special Use Permit.

Aaron Tiller, representing the applicant, presented the plans to convert (additional) commercial/retail space into an apartment (3rd). Double hung windows are being added in the front. The rear covered patio will be extended. The overhead door in the rear will be removed and replaced with windows.

MOTION: Moved by Sheila Burrell to set a public hearing for VPB-2021-27, 37 Mill Street, Special Use Permit, Site Plan and Architectural Design review of proposed apartment for May 11, 2021 at 5:30 p.m. Seconded by Sandy Reed. Roll call vote: Sheila Burrell-aye, Sandy Reed-aye, Nancy Rogan-aye.

DISCUSSION: Gary Palumbo advised that he has not worked on the Comprehensive Plan since the March 29, 2021 work session and has nothing to present to the committee at this meeting.

MOTION: Moved by Sheila Burrell to adjourn at 7:28 p.m. Seconded by Sandy Reed. Roll call vote: Sheila Burrell-aye, Sandy Reed-aye, Nancy Rogan-aye. Carried.

Submitted by: Donna Baldwin, Secretary

