

**VILLAGE OF ELLICOTTVILLE
ELLICOTTVILLE, NY 17431
PLANNING BOARD MEETING MINUTES
MAY 11, 2021**

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

ALSO PRESENT: Gary Palumbo-Village Planner, Kelly Fredrickson- CEO,
Greg Cappelli-Village Board, Doug Bush-Village Board,
Richard Stanton-Village Attorney, Aaron Tiller-Architect,
Jacob Alianello-MDA Consulting Engineers, Tom George-Applicant,
Michael Anderson-Abstract Architecture, Michael Sandman-Applicant,
Shelby Toth-The Villager

AGENDA: VPB-2020-04- 13 Elizabeth Street- New Single-Family Home

Site Plan and Architectural Design Review
Public Hearing- May 11, 2021

VPB-2021-023-31 East Washington Street.- Garage Addition/Lockout Room

Special Use Permit, Site Plan & Architectural Design Review
Public Hearing- May 11, 2021

VPB-2021-027 (PB-2018-02)- 37 Mill Street-Accessory Apartment.

Special Use Permit, Site Plan & Architectural Design Review
Public Hearing- May 11, 2021

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

Site Plan & Architectural Design Review

VPB-2021-043- 1 Monroe Street- Accessory Apartment

Special Use Permit

VPB-2021-058- 8 Filmore - Single-family Residence

Site Plan & Architectural Design Review

VPB-2021-051- 24 Monroe Street - Dead Space Novelties, Music, Cigars

Sign Permit Application for Projecting Sign

2020 Comprehensive Plan Committee-Status

DISCUSSION: Nancy Rogan, Chairperson called the meeting to order at 5:33 p.m. with five members present and opened the public hearing for VPB-2020-04, 13 Elizabeth Street, Site Plan and Architectural Design review of a new single family home.

Michael Anderson, representing Llsa Feinberg-Duckett, advised that changes were made to the architectural design as requested at the April meeting. We removed the transom windows in the front elevation making them double-hung, and pushed the garage back behind the front elevation of the house. The applicant wants an attached garage. We extended the driveway and added landscaping in the front.

Nancy Rogan asked for questions or comments from the people attending.

Gary 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. No other comments were submitted during the meeting.

MOTION: Moved by Sandy Reed to close the public hearing for VPB-2020-04, 13 Elizabeth Street, Site Plan and Architectural Design review for single family house. Seconded by Damon Newpher. Roll call vote: Damon Newpher-aye, Sean Cornelius-aye, Sandy Reed-aye, Sheila Burrell-aye. Carried.

DISCUSSION: Nancy Rogan opened the public hearing for VPB-2021-023, 31 East Washington Street, Special Use Permit, Site Plan and Architectural Design review for a garage addition for Lockout Room.

Aaron Tiller, representing John Sabatos, advised that this is an application to build a second story lockout room above the existing one car garage. Outside stairs will access the one bedroom and bath unit.

Nancy Rogan asked for questions or comments from the people attending.

Gary 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. No other comments were submitted during the meeting.

MOTION: Moved by Sheila Burrell to close the public hearing for VPB-2021-023, 31 East Washington Street, Special Use Permit, Site Plan and Architectural design review for a garage addition lockout room. Seconded by Sandy Reed. Roll call vote: Sheila Burrell-aye, Sean Cornelius-aye, Damon Newpher-aye, Sandy Reed-aye. Carried.

DISCUSSION: Nancy Rogan opened the public hearing for VPB-2021-027, 37 Mill Street, Special Use Permit, Site Plan and Architectural Design review for an accessory apartment.

Aaron Tiller, representing Michael Sandman, advised that this is an application to convert an existing commercial space into a third apartment in this mixed use building. 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.

Nancy Rogan asked for questions or comments from the people attending.

Gary 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. No comments were submitted during the meeting.

MOTION: Moved by Sandy Reed to close the public hearing for VPB-2021-027, 37 Mill Street, Special Use Permit, Site Plan and Architectural Design Review for an accessory apartment. Seconded Sheila Burrell. Roll call vote: Sheila Burrell-aye, Damon Newpher-aye, Sean Cornelius-aye, Sandy Reed-aye. Carried.

DISCUSSION: Nancy Rogan opened the regular meeting at 5:42 p.m. She presented the agenda for changes, additions or approval. The agenda was approved as submitted.

The Minutes of the April 13, 2021 meeting were read.

MOTION: Moved by Sheila Burrell to approve the Minutes of April 13, 2021 as read. Seconded by Sean Cornelius. Roll call vote: Sheila Burrell-aye, Sean Cornelius-aye, Damon Newpher-aye, Sandy Reed-aye. Carried.

DISCUSSION: Nancy Rogan presented VPB-2020-04, 13 Elizabeth Street, Site Plan and Architectural Design review of proposed new single family home.

Gary Palumbo presented his staff report on revised plans dated April 29, 2021. Since the last meeting, some key changes in the plans include:

- a. Third, or transom windows are no longer shown on the south (front) and east (right) elevations.
- b. Garage Orientation: The garage has been pushed back to the front of the house. This is not typical on Elizabeth Street or in the VR District in general. But the design does the minimum the Planning Board asked for in April.

Comments and impression of the general design:

1. Windows: Most of the windows now appear to be double hung.
2. Roofs: 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.
3. Exterior siding materials: The house is horizontal siding, while the garage and chimney are birck.
4. It appears that the glass doors on the east side are no longer sliders.

5. Patio: The site plan shows an elevated patio” on the east side. The “Exterior View” shows the patio at slab on grade. This should be clarified, and if the patio is elevated above 30 inches, railings are required. If there are going to be railings, they should be painted.

Mr. Palumbo referred to Chapter 10-Architectural Design and Landscape Review, noting that the Planning Board should review criterion standards in 10-8 and 10-9. 10-9.B. Prohibited Siding Materials. Are the stone and brick veneers real or pre-cast? Are the mix and proportion of exterior materials consistent with the architectural character in this neighborhood? 10-9.J. Architecture should be compatible with traditional architecture and existing and traditional building styles and types. The preferred window treatment style is the double hung style window with exterior wood casings. The proposed fixed-pane and sliders are not typical for neighborhoods in the VR District.

Nancy Rogan asked, is the garage back far enough?

Sandy Reed asked, is it flush with the front of the house?

Michael Anderson said it is 1 foot back from the front of the house. There is no basement so all the mechanicals are at the garage. If he pushes the garage back further he will have to make the house wider to fit the mechanicals. A wider house will create a water easement issue.

Sandy Reed said we appreciate the modifications you made to meet the zoning.

Sheila Burrell agreed saying she would like to see the garage back further, but it appears that is not possible.

Sean Corneilus also agreed, noting that the applicant moved the garage back as we requested.

Nancy Rogan asked if the brick on the chimney and garage is real?

Michael Anderson said yes it is 3 5/8” thick on the chimney and garage. The house will be light green and the brick brown.

Nancy Rogan asked, is the patio elevated?

Mr. Anderson said it will be below 30 inches. No railings will be required.

Nancy Rogan referred to the landscaping on the east side. Is it all the same?

Michael Anderson said there will be the same number of trees but in a slightly different location.

Gary Palumbo advised that landscaping details could be a condition of approval.

Nancy Rogan said the landscaping plan should be reviewed by Mr. Palumbo and Mr. Fredrickson.

Michael Andereson said he had no issue with them reviewing the plan.

Gary Palumbo advised that a Short EAF Part 1 was provided. Construction of a single-family house is a Type II Action Under SEQR 617.5(c)(9) and no further review is required.

A section 239 Referral to Cattaraugus County Planning Board is not required because this is exempt under Exhibit A, Item 11 of the Referral Exemptions agreement between Cattaraugus County and the Village.

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

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, Damon Newpher-aye, Sandy Reed-aye. Carried.

MOTION: Moved by Damon Newpher to grant Site Plan and Architectural Design Review approvals for a single-family dwelling as depicted on revised plans dated through April 29, 2021. This approval is granted with the following conditions:

- 1) A floodplain Development permit will be granted through the CEO.
- 2) No fences or trees be placed on the sewer and water easements.
- 3) Any changes to the exterior plans shall be submitted to the CEO prior to construction for his review and determination if they need to be sent back to the Planning Board for ADR.
- 4) The Planning Board will see one final elevation of colors, materials and samples of brick.

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

DISCUSSION: Nancy Rogan presented VPB-2021-023, 31 East Washington Street, Special Use Permit, Site Plan and Architectural Design review of proposed second story addition/lockout room to the existing garage.

Gary Palumbo advised that the garage height was proposed at 19'5". Because the height of this accessory building is greater than 75% of the height of the house an appeal for a variance was heard by the ZBA. In April the ZBA granted a variance which limited the height to 18' 10". He advised that the Village Board has passed a Temporary Moratorium on Accepting, Processing, and Issuing of Permits for Secondary or Accessory Dwelling Units or Lockout Rooms: For a period of six months from the filing of this Local Law ail/office first-floor space. with the Secretary of State the Planning Board for the Village of Ellicottville shal grant no approvals concerning the establishment of secondary dwelling units, or the establishment of lockout rooms in the Village. He recommended that the public hearing be closed and that the action on the SUP/Site Plan Review application be tabled pending resolution of the temporary moratorium.

MOTION: Moved by Sandy Reed to table VPB-2021-023, 31 East Washington , Special Use Permit, Site Plan and Architectural Design review of proposed garage/lockout room addition

pending resolution of the temporary moratorium. Seconded by Sheila Burrell. Roll call vote: Sheila Burrell-aye, Sean Cornelius-aye, Damon Newpher-aye, Sandy Reed-aye. Carried.

DISCUSSION: Nancy Rogan presented VPB-2021-027, 37 Mill Street, Special Use Permit, Site Plan and Architectural Design Review of proposed third apartment in existing mixed use building.

Gary Palumbo presented his staff report on this application to add a third apartment in 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 the first-floor space. 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. He asked Richard Stanton, Village Attorney to clarify if the temporary moratorium applies to the commercial district as well as the village residential district?

Mr. Stanton said it appears the intent of the moratorium is for the Village Residential District. He asked what is the percentage of residential to commercial in this mixed use building?

Aaron Tiller said 85% to 15%.

Richard Dayton said he could not conclude that this application meets the intent of the moratorium.

Nancy Rogan noted that the original approval was for mixed use including two apartments in the VC-2 District.

Mr. Palumbo advised that a Short EAF Part 1 has been provided. The proposal is a Type II Action, pursuant to 617.5(c)(9) and no further review under SEQRA is required.

A 239 Referral to the Cattaraugus County Planning Board is not required because it is exempt under Exhibit A, Item 11 of the Referral Exemptions agreement between Cattaraugus County and the Village.

MOTION: Moved by Sheila Burrell that Special Use Permit and Site Plan review is a Type II Action pursuant to Section 617.5(c)(9) of the SEQRA regulations. No further review under SEQRA is required. Seconded by Damon Newpher. Roll call vote: Sheila Burrell-aye, Sean Cornelius-aye, Damon Newpher-aye, Sandy Reed-aye. Carried.

MOTION: Moved by Sandy Reed to grant Special Use Permit, Site Plan and Architectural Design review approval for a third apartment at 37 Mill Street as depicted in plans and application materials in VPB-2021-027. Seconded by Damon Newpher. Roll call vote: Sheila Burrell-aye, Sean Cornelius-aye, Damon Newpher-aye, Sandy Reed-aye. Carried.

DISCUSSION: Nancy Rogan presented VPB-2020-08, 74 Elizabeth Street, Site Plan and Architectural Design review of proposed new single family residence.

Gary Palumbo presented his staff report on this application for a single-family house on the pre-existing approximately 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 dated November 20, 2018 as part of a demolition permit. As noted in the conditions of approval if the approved plans were not constructed the Site Plan Review and ADR would have to commence as a new application. The site plan shows driveways from Elizabeth Street and the alley between Adams and Madison Streets. The proposed accessory building which will not be used as an accessory apartment has a 5 foot rear setback which meets the standard.

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

Tom George, applicant presented the elevation drawings for the proposed house and accessory building.

Nancy Rogan asked if the 5 foot setback of the accessory building is enough? She suggested 10 feet off the property to allow for snow storage.

Tom George said that the alley is 16.5 feet wide. The distance from the building to the pavement is 8 to 9 feet. There is enough room for snow storage. A standard highway is 11 feet wide.

Nancy Rogan noted that if the alleyway is paved in the future it could bring it within 5 feet. Gary Palumbo said the Village is not taking responsibility for the driveway/alley. He is not aware of any plans to change it.

Richard Stanton said the Village has no plans to improve the alleyway.

Nancy Rogan asked are you comfortable with the location?

Mr. George said he will look at the site plan and see if it makes sense to move the barn back.

Mrs. Rogan stated that snow piled 8 feet high takes up more than 5 feet in area.

Tom George advised that the accessory building is for storage. He could not put up a pole barn in the Village and this is the alternative.

Sean Cornelius asked how is the second floor to be used?

Mr. George said there is no second floor. He liked this design which matches the house. He is working through the process and thinks he meets all the requirements. The house design should blend in with the character of the neighborhood. The casement windows in the dormers allow them to be smaller. There is no railing on the porch which will be less than 30 inches high with raised beds.

MOTION: Moved by Sheila Burrell to set a public hearing for VPB-2021-08, 74 Elizabeth Street, Site Plan and Architectural Design review of new single-family residence for June 8, 2021 at 5:30 p.m. Seconded by Sandy Reed. Roll call vote: Sheila Burrell-aye, Sean Cornelius-abstain, Damon Newpher-aye, Sandy Reed-aye, Nancy Rogan-aye. Carried.

DISCUSSION: Nancy Rogan presented VPB-2021-43, 1 Monroe Street, Special Use Permit for an accessory apartment.

Gary Palumbo presented his staff report on this application for a Special Use Permit to reinstate an apartment in an accessory building (garage). The existing accessory building is located in the Village Commercial (VC-1) District. The garage was previously used for an apartment, but then converted to a retail establishment. No exterior or footprint changes are proposed.

A short EAF Part 1 was not provided. However single-family homes are Type II Actions under SEQR Part 617.5(c)(9) and no further review will be required.

A Section 239 Referral to Cattaraugus County Planning Board is not required because the apartment is exempt from referral under Exhibit A, Item 11 of the Referral Exemptions agreement between the County and Village.

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

MOTION: Moved by Sandy Reed to set a public hearing for VPB-2021-43, 1 Monroe Street, Special Use Permit for change of use from retail to apartment for June 8, 2021 at 5:30 p.m. Seconded by Damon Newpher. Roll call vote: Sheila Burrell-aye, Sean Cornelius-aye, Damon Newpher-aye, Sandy Reed-aye. Carried.

DISCUSSION: Nancy Rogan presented VPB-2021-058, 8 Fillmore Drive, Site Plan and Architectural Design review of new single family residence.

Jacob Alianello, presenting Timothy DiGiulio presented site plan and elevation drawings of the proposed single family house to be constructed on an approximately 15,400 s.f. Lot. The 3,580 s.f. House has an attached garage and rear patio and covered front porch.

Gary Palumbo advised that if the Planning Board feels it has enough information for a meaningful public review it can set a public hearing for the June meeting.

MOTION: Moved by Sheila Burrell to set a public hearing for VPB-2021-058, 8 Fillmore Drive, Site Plan and Architectural Design review of new single family residence for June 8, 2021 at 5:30 p.m. Seconded by Sandy Reed. Roll call vote: Sheila Burrell-aye, Sean Cornelius-aye, Damon Newpher-aye, Sandy Reed-aye. Carried.

DISCUSSION: Nancy Rogan presented VSP-2021-051, 24 Monroe Street, Dead Space Novelties, Music, Cigars, sign permit application for a projecting sign.

Gary Palumbo advised that the second floor of the Public House restaurant will be used for the store space. The circle-shaped sign is 24" x 26" or 4.4 s.f. and will be hung 10 feet above the ground by bracket in the same location as the Public House sign. The sign meets the zoning requirements and a drawing is submitted.

MOTION: Moved by Sandy reed to approve the sign permit application for 24 Monroe Street, Demand Space Novelties for a projecting sign as submitted in application VSP-2021-051. Seconded by Damon Newpher. Roll call vote: Sheila Burrell-aye, Sean Cornelius-aye, Damon Newpher-aye, Sandy Reed-aye, Carried.

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

The meeting was adjourned at 7:00 p.m.

Submitted by Donna Baldwin, Secretary