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**VILLAGE OF ELLICOTTVILLE  
ELLICOTTVILLE, NY 14731**

**PLANNING BOARD MEETING MINUTES  
JUNE 8, 2021**

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

**ALSO PRESENT:** Gary Palumbo-Village Planner, Greg Cappelli-Village Board,  
Jacob Alianello-MDA Consulting Engineers, Tom & Muffett George-  
Applicants, Timothy DiGiullio-Applicant, M.J. Brown-Applicant,  
Jeffrey Case, Panos Argitis, Shelby Toth-The Villager

**AGENDA: VPB-2020-08 - 74 Elizabeth Street- New single family residence**  
Site Plan & Architectural Design Review  
Public Hearing June 8, 2021

**VPB-2021-43 -1 Monroe Street-Accessory Apartment**  
Special Use Permit  
Public Hearing June 8, 2021

**VPB-2021-058 - 8 Fillmore Drive - New single family residence**  
Site Plan & Architectural Design Review  
Public Hearing June 8, 2021

**VSP-2021-072 - 30 Washington Street- Gin Mill**  
Sign Permit Application

**2020 Comprehensive Plan Committee - Status**

**DISCUSSION:** Nancy Rogan, Chairperson opened the public hearing for VPB-2020-08, Tom and Muffett George, 74 Elizabeth Street, Site Plan and Architectural Design Review of proposed single family residence.

Gary Palumbo presented his staff report on this application for Site Plan and Architectural Design review for a single family home on the pre-existing 66'x 198' (13,000 s.f.) lot located in the Village Residential District. There are no changes to the plans submitted in April.

In 2018, the Planning Board granted Site Plan approval and Architectural Design Review approval for a single family home 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 not constructed the Site Plan Review and ADR would have to commence as a new application.

It appears all dimensional standards in the zoning are met. The alley between Adams and Madison Streets on the northside of Washington Street is not improved as a Village Street. It does show as a Village right-of-way on the County tax maps. At the west end of Adams Street the alley has been improved as a private driveway serving the rear of 21 West Washington Street. The rear setback for the accessory building is 5 feet which is mandated by NY State Building Code.

A single-family home is a Type II Action under SEQR Part 617.5(c)(9) and no further review will be required. A Section 239 Referral to Cattaraugus County Planning will not be required for this application because it is exempt from referral under Exhibit A, Item 11 of the Referral Exemption agreement between the County and the Village. Following the close of the public hearing the Planning Board has 62 days to act on the Site Plan Application.

Nancy Rogan asked for questions or comments from the people attending and the Planning Board members.

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.

**MOTION:** Moved by Sandy Reed to close the public hearing for VPB-2020-08, 74 Elizabeth Street Site Plan and Architectural Design review of a single family residence. Seconded by Damon Newpher. 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-2021-43, 1 Monroe Street, M.J. Brown, a Special Use Permit application for an accessory apartment in the commercial district where it is an allowed use. This garage was previously used for an apartment, but then converted to a retail establishment. She asked for questions or comments from the people attending and Planning Board members.

Gary Palumbo advised that a letter was received from Adnrea McRae in favor of the accessory apartment as an accessory use. He read the letter for the record. No other written or verbal comments were received in response to the public hearing notice which was published in accordance with local law.

**MOTION:** Moved by Sheila Burrell to close the public hearing for VPB-2021-43, 1 Monroe Street, Special Use Permit application for an accessory apartment. Seconded by Sandy Reed. Roll call vote: Sean Cornelius-aye, Sheila Burrell-aye, Damon Newpher-aye, Sandy Reed-aye. Carried.

**DISCUSSION:** Nancy Rogan opened the public hearing for VPB-2021-058, 8 Fillmore Drive, Site Plan and Architectural Design review of a new single family residence.

Jacob Alianello, Architect, representing Tim DiGiulio, applicant presented site plan and elevation drawings for the proposed single family home with an attached 2 car garage and rear patio. The building site is Lot # 4 of the Colton Corner Subdivision. The dimensional standards ( setbacks, FAR, open space) are met.

Nancy Rogan asked for questions or comments from the people attending and Planning Board Members.

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.

**MOTIO:** Moved by Damon Newpher to close the public hearing for VPB-2021-058, 8 Fillmore Drive, Site Plan and Architectural Design Review of new single family home. 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 regular meeting with five members present. She presented the agenda for changes, additions or approval. The agenda was approved as submitted.

The Minutes of the May 11, 2021 meeting were read.

**MOTION:** Moved by Sheila Burrell to approve the Minutes of May 11, 2021 as read. Seconded by Sandy Reed. 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 single family house for discussion. She asked is the rear yard setback still 5 feet on the alley?

Tom George said that the pavement is 4 to 5 feet from the property line and with the 5 foot setback it is about 10 feet. He will look at it during the winter when snow is plowed to see if it works.

Sean Cornelius asked if the 5 feet setback is from the edge of pavement?

Gary Palumbo said it is 5 feet from the property line.

Mr. Cornelius expressed concern with snow storage on the right-of-way.

Mr. Palumbo advised that you have to put your snow on your property. You cannot leave it in the street. The Village right-of-way is not a street and the village does not plow the alleyway.

Nancy Rogan said that one of the property owners on the alley plows it.

Gary Palumbo noted that snow plowing is not a Planning Board issue. It will have to be worked out with the neighbors who share the alley.

Nancy Rogan referred to the Architectural Design review of the house and asked if there have been any changes to the siding, windows or doors since the May meeting?

Tom George said there are no changes to the site plan or architectural design.

Sheila Burrell asked if the landscaping plan on the drawing is accurate?

Tom George said there will be more foundation plantings but no new trees will be added.

Gary Palumbo advised that it appears the intent of the applicable portions of the 2018 Site Plan/Demolition Permit are met. If the planning Board agrees that the general intent of the Village Comprehensive Plan, Zoning and applicable development policies are met, it can grant approval. He offered motions for the Board to consider.

**MOTION:** Moved by Sandy Reed 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 Sheila Burrell. Roll call vote: Sheila Burrell-aye, Sean Conrelius-abstain, Damon Newpher-aye, Sandy Reed-aye. Carried.

**MOTION:** Moved by Sandy Reed to grant Site Plan and Architectural Design Review approvals for a single family dwelling as depicted on revised plans dated and revised through April 27, 2021. This approval is granted with the following conditions:

1. The accessory building (barn) is for non-residential purposes and is not approved for an accessory dwelling.
2. 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 Architectural Design Review.
3. The rear yard setback shall be a minimum of 5 feet and may be increased.

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

**DISCUSSION:** Nancy Rogan presented VPB-2021-043, 1 Monroe Street, Special Use Permit application for an accessory apartment in the Village Commercial District.

Gary Palumbo presented his staff report on this Special Use Permit application to reinstate an apartment in an accessory building (garage) which was previously used as a retail establishment. The Special Use Permit would only allow re-establishment of the physical apartment, but its rental for periods of less than 30 days is subject to a license from the Code Enforcement Officer. No exterior or footprint changes are proposed.

Single-family homes and changes for minor accessory residential structures are in keeping with the list of Type II Actions under SEQR Part 617.5(c) 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. Following the close of the public hearing the Board has 62 days to action on the Special Use Permit.

Mr. Palumbo advised that it appears the general intent of the Village Comprehensive Plan, Zoning and general redevelopment policies are met.

It is recommended that the action on the Special Use Permit application be tabled pending resolution of the temporary moratorium, because under the 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 with the Secretary of State the Planning Board for the Village of Ellicottville shall grant no approvals concerning the establishment of secondary dwelling units or the establishment of lockout rooms in the Village." He offered motions for the Board to consider.

**MOTION:** Moved by Sheila Burrell to determine that the re-establishment of an accessory apartment is a Type II SEQR action, pursuant to Section 617.5(c) 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.

M. J. Brown noted that the public hearing notice stated the moratorium was on Village Residential properties.

Gary Palumbo said the notice was different from the actual law which is for all of the Village. The Village Attorney is not present to address the issue.

Ms. Brown said she thought that Mr. Palumbo was going to talk to the Village Attorney prior to this meeting to clarify.

Mr. Palumbo said he will contact Mr. Richard Stanton regarding the public hearing notice versus the actual moratorium law.

**MOTION:** Moved by Sean Cornelius to table the application by M.J. Brown for a Special Use Permit to create an accessory apartment at 1 Monroe Street pending resolution of the temporary moratorium on the establishment of secondary dwelling units. 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-2021-058, 8 Fillmore Drive, Tim DiGiulio, Site Plan and Architectural Design review of new single family residence.

Gary Palumbo presented his staff report on the Site Plan review of a new approximately 3,850 s.f. single-family residence and attached 2 car garage within the Colton Corners Subdivision. The 15,400 s.f. interior lot which fronts on Fillmore Drive is located in the Medium Density District. The dimensional standards for Medium Density are met.

Architectural Design Review is required for this project following the guidelines in Section 10.9. Based on the proposed elevation drawings, the overall design style and shape of the house appears to meet the design standards. The home appears to fit the intended character of the new neighborhood. It appears from the information provided the exterior

materials do not include any materials prohibited in Section 10.9. The number of materials, trim or colors do not appear to be excessive as only 1 basic siding material is shown. With four (4) exceptions, the front windows appear to be single double-hung with mullions. The rear facade may have other windows, styles are not called out on the elevation plans. No exterior lighting is shown. Landscaping for the rain garden is provided, which is located on the site plan. The site plan shows a 6 foot high metal fence around the back yard.

Construction of a single family home is a Type II Action under SEQR Part 617.5(c)(9) and no further review is required. This application is exempt from 239 Referral to the Cattaraugus County Planning Board under Exhibit A, Item 11 of the Referral Exemptions agreement between the County and the Village.

It appears that the general intent of the Village Comprehensive Plan, Zoning and general development policies are met.

Nancy Rogan asked if the rain garden would be the same as the ones already in place? Jacob Alianello said the plan is for native species in wet conditions. It will be similar to the existing rain gardens.

**MOTION:** Moved by Sandy Reed to determine that the construction of a single family house is a Type II Action, pursuant to SEQR Part 617.5(c)(12) of the SEQRA Regulations and no further review 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 Sheila Burrell to grant Site Plan and Architectural Design approval of proposed single-family residence at 8 Fillmore Drive as depicted in materials submitted in VPB-2021-058 with the following condition:

1. 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 to the Planning Board for Architectural Design Review.

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

Greg Cappelli asked if short term rental was allowed?

Gary Palumbo said he will state in the Decision Notice that a license is required from the CEO for rentals less than 30 days if permitted.

**DISCUSSION:** Nancy Rogan presented VSP-2021-072 Sign Permit application from The Gin Mill at 30 Washington Street.

Gary Palumbo presented the application for a rectangular 22" x11" hanging sign for the Carriage House. It will be hung under the porch above the entry door by chains from a wrought iron arm and will be at least 8 feet above the ground. The sign meets the zoning requirements and a drawing was submitted.

**MOTION:** Moved by Damon Newpher to approve the sign permit application from The Gin Mill at 30 Washington Street for a hanging sign for the Carriage House as per materials submitted in VSP-2021-072. Seconded by Sandy Reed. Roll call vote: Sheila Burrell-aye, Sean Cornelius-aye, Damon Newpher-aye, Sandy Reed-aye. Carried.

**DISCUSSION:** Gary Palumbo advised that he is trying to set a meeting for the Comprehensive Plan Committee established for the moratorium. A meeting was set for Tuesday, June 15, 2021 at 3:30 p.m.

Mr. Palumbo advised that he circulated the land use map for committee members to review. He needs any changes by June 10, 2021. The existing map is based on codes from the Cattaraugus County rolls. Example: The single family house that Sean Cornelius is using for an office should be designated as commercial not residential.

Nancy Rogan referred to the Medium Density District, noting that single family houses with an accessory apartment are classified as a multi-family residence. Why?

Mr. Palumbo said we can take away that designation. Perhaps we should have a sub-map identifying accessory apartments. He asked what does the Village want to see for the rest of Monroe Street?

Greg Cappelli referred to the former Signore property noting that it should be designated as vacant. Iskalo Development Corp. originally proposed single-family homes along Jefferson Street with mixed uses at the rear of the property. They have not come back with any plans. Sandy Reed advised that Iskalo met with Village representatives and discussed ideas that would work on that property.

Nancy Rogan said we should not change the land use now but wait to see what the new owners propose on the site.

Gary Palumbo said it is designated as Industrial now. No plans have been submitted at this time.

**MOTION:** Moved by Sandy Reed to adjourn at 6:40 p.m. Seconded by Damon Newpher. Roll call vote: Sheila Burrell-aye, Sean Cornelius-aye, Damon Newpher-aye, Sandy Reed-aye. Carried.

Submitted by: Donna Baldwin, Secretary