

**VILLAGE OF ELLICOTTVILLE
ELLICOTTVILLE, NY
PLANNING BOARD MEETING MINUTES
SEPTEMBER 12, 2023**

PRESENT: Nancy Rogan, Chairperson
Sheila Burrell, Member
Chad Neal, Member
Gegory Cappelli, Alternative Member

ALSO PRESENT: Gregory Keyser-Village Planner, Kelly Fredrickson-CEO,
John Caldiero-Applicant, Aaron Tiller-Architect, Jeff Hayes-Applicant
Natham Woodruff-Applicant, Muffett George-Applicant
Blair Hamilton-27 Fillmore

AGENDA: VZP-2023-266- 2 Jefferson Street- Damon & Jolie Newpher
Architectural Design & Historic District Review
Residential addition. Public Hearing 9/1/2/23

VZP-2023-270- 41 Elizabeth Street- John Caldiero
Architectural Design Review-New wood deck

VZP-2023-276- 5 E. Washington Street- Ellicottville Bake Shop
Sign Permit Application- New wall sign

VZP-2023-277- 5 E. Washington Street-Tiveron Law
Sign Permit Application- New wall sign

VZP-2023-290- 74 Elizabeth Street- Thomas & Muffett George
Site Plan & Architectural Design Review
New Single family residence

VZP-2023-296- 5 E. Washington Street- Ratchet Hatchet
Sign Permit Application- New wall sign

VZP-2023-230- 29 Elizabeth Street- Jeff Hayes
Architectural Design Review
Revised Residential Addition

DISCUSSION: Nancy Rogan, Chairperson called the meeting to order at 5:30 p.m. and opened the public hearing for VZP-2023-266, 2 Jefferson Street, Damon & Jolie Newpher, Architectural Design and Historic District review of a residential addition.

Aaron Tiller, representing the applicants presented the plans to construct a 8 foot by 12 foot front porch and an 18 foot by 14 foot one story dining room addition at the rear of the house. The roof will be metal to match the existing house roof and the siding on the addition will be cedar to match the dormer windows in the house.

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

Greg Keyser 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 Chad Neal to close the public hearing for VZP-2023-266, 2 Jefferson Street, Damon & Jolie Newpher, Architectural Design and Historic District review of a residential addition. Seconded by Greg Cappelli. Vote 3-0. Carried.

DISCUSSION: Nancy Rogan opened the regular meeting with four members present. The Minutes of the August 1, 2023 Work Session were read.

MOTION: Moved by Greg Cappelli to approve the Minutes of the August 1, 13 Work Session as read. Seconded by Sheila Burrell. Vote 3-0. Carried.

The Minutes of the August 8, 2023 Planning Board meeting were read.

MOTION: Moved by Greg Cappelli to approve the Minutes of the August 8, 2023 Planning Board Meeting as read. Seconded by Chad Neal. Vote 3-0. Carried.

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

DISCUSSION: Nancy Rogan presented VZP-2023-266, 2 Jefferson Street, Damon & Jolie Newpher, Architectural Design and Historic District review of new front porch and addition.

Greg Keyser advised that the Board is required to review structural alterations under the Architectural Design Control and Review in accordance with Section 10 of the Zoning code. The Board is also required to review the structural alterations under the Historic District Review in Section 11 of the Zoning Code.

The application appears to meet the definition of a Type 2 action involving the expansion of a single-family residence on an approved building lot. The Planning Board should move to classify the project as a Type 2 Action. The project is exempt from referral to the Cattaraugus County Planning Board.

MOTION: Moved by Sheila Burrell to classify the project as a Type 2 Action involving the expansion of a single-family residence on an approved building lot. No further review under SEQR is required. Seconded by Greg Cappelli. Vote 3-0. Carried.

MOTION: Moved by Chad Neal to grant Architectural Design Review and Historic District Review approval to the proposed 8 foot by 12 foot front porch and 18 foot by 14 foot one story rear addition at 2 Jefferson Street as per materials submitted in VZP-2023-266 by Damon & Jolie Newpher. Seconded by Greg Cappelli. Vote 3-0. Carried.

DISCUSSION: Nancy Rogan presented VZP-2023-270, 41 Elizabeth Street, John Caldiero, Architectural Design Review of a proposal to replace and expand the existing deck.

John Caldiero, applicant presented the 3-D renderings requested by the Planning Board at the September 5, 2023 work session. The 6 foot wide wood deck will expand across the front of the house and 21 feet along the side of the driveway. New elevation drawings were presented showing wood railing and posts with vertical wood spindles.

Greg Cappelli asked what is the setback along the driveway?

Mr. Caldiero said there is more than 10 feet from the driveway to the deck and steps on the side of the house. The setback on the west is 5.8 feet and on the east 14 feet. The proposal does not increase the non-conforming use.

Kelly Fredrickson said the 14 feet is measured from the rear addition on the house which is wider than the front section of the house.

Nancy Rogan noted that under the Architectural Design Review the railings should be painted white to blend in with the neighborhood.

John Caldiero said that the railings and posts are now wood. The metal tubing has been removed. He is agreeable to painting the railings and posts white.

Nancy Rogan asked if the landscaping shown on the drawings is acceptable. Planning Board members agreed that it is acceptable as shown.

MOTION: Moved by Sheila Burrell to grant Architectural Design Review approval of proposed 6 foot wide deck across the front of the house and expanding 21 feet along the side of the house at 41 Elizabeth Street as per materials submitted in VZP-2023-270 by John Caldiero with the condition that the railing, posts and spindles will be painted white. Seconded by Chad Neal. Vote 3-0. Carried.

DISCUSSION: Nancy Rogan presented VZP-2023-276, 5 E. Washington Street, Ellicottville Bake Shop, Sign Permit application for a wall sign.

Greg Keyser presented his staff report on the request for a 92 inch by 40 inch (24 square feet) aluminum composite with vinyl graphics wall sign to be installed 13 feet above the main entrance. A drawing was submitted showing four colors (white, black, beige and green, The Sign is before the Planning Board because it does not meet the criteria In Section 12-7-B: Does not contain more than three colors and Only one sign face for each structure which fastened is permitted. This is a multi-tenant building with multiple signs in place for other businesses.

Mr. Keyser advised that he made several attempts to contact the applicant with regard to changing the sign to three (3) colors. They have not responded.

MOTION: Moved by Sheila Burrell to table VZP-2023-276, 5 E. Washington Street, Ellicottville Bake Shop, Sign Permit application pending resolution of the number of colors on the proposed 24 square foot rectangular wall sign. Seconded by Chad Neal. Vote 3-0. Carried.

DISCUSSION: Nancy Rogan presented VZP-2023-277, 5 E. Washington Street, Tiveron Law, Sign Permit application for a wall sign.

Greg Keyser presented his staff report on the request for a new 96 inch by 48 inch (32 square foot) rectangular wall sign to be installed 13 feet above the main entrance. The aluminum composite will have vinyl graphics. A drawing showing two colors (blue and white) was submitted. The sign is before the Planning Board because it does not meet the criteria in Section 12-7-B: Only one sign face for each structure to which fastened is permitted. This is a multi-tenant commercial building with multiple signs already in place for other businesses.

MOTION: Moved by Chad Neal to approve sign permit application for a 96 inch by 48 inch (32 square foot) aluminum composite with vinyl graphics rectangular wall sign with two colors for 5 E. Washington Street as submitted in VZP-2023-277 by Tiveron Law. Seconded by Greg Cappelli. Vote 3-0. Carried.

DISCUSSION: Nancy Rogan presented VZP-2023-290, 74 Elizabeth Street, Thomas & Muffett George, Site Plan and Architectural Design Review of proposed new single-family residence.

Greg Keyser presented his staff report on the proposal to construct a 3,262 square foot one-family dwelling. The Planning Board granted approval for a single-family dwelling on June 8, 2021. However, the approval expired after one year, because the applicants did not apply for a building permit. The applicant is now proposing a smaller house with attached garage but not an accessory barn at the rear of the property. The plan is to use the alleyway for their driveway access. It was noted at the September 5, 2023 work session that the Village Board classified the alleyway for public use but will not maintain it. The neighbors using the alley for driveway access will plow and maintain the surface.

Mr. Keyser said he reached out to the Village Board and the Village Attorney after the September 5, 2023 meeting to verify the status of the alleyway, but has not received a reply. If the Planning Board feels the application is complete a public hearing can be set for the October meeting.

MOTION: Moved by Greg Cappelli to set a public hearing for VZP-2023-290, 74 Elizabeth Street, Thomas & Muffett George, Site Plan and Architectural Design Review of proposed

new single-family residence for October 10, 2023 at 5:30 p.m. Seconded by Chad Neal. woodVote 3-0. Carried.

DISCUSSION Nancy Rogan presented VZP-2023-294, Ratchet Hatchet, 5 E Washington Street, Sign Permit Application for a wall sign.

Greg Keyser presented his staff report on a request for a new rectangular 96 inch by 48 inch (32 square foot) sign to be hung on the upper left corner of the building facing E. Washington Street. The wood sign will have hard plastic letters. A drawing is submitted showing four colors (black, white green and red). A temporary banner in the same colors, size and shape is also proposed. The sign is before the Planning Board because it does not meet the criteria in Section 12-7-B: Does not contain more than three colors and Only one sign face for each structure to which fastened is permitted. This is a multi-tenant commercial building with multiple signs already in place for other businesses.

Nathan Woodruff, Applicant noted that he will remove the red dots so the sign has 3 colors. He presented a drawing of a directional parking sign that he is proposing as per discussion at the September 5, 2023 work session. The colors will be black, white and green. He does not know the exact size, perhaps 3 feet by 3 feet. He needs to see what will fit on the building. Nancy Rogan suggested he work with Mr. Fredrickson, CEO on the allowed and appropriate size. She asked about lighting?

Greg Keyser said gooseneck lighting will shine down on the sign.

MOTION: Moved by Chad Neal to approve Sign Permit application for a 96 inch by 48 inch wood sign with hard plastic letters, a temporary 32 square foot banner and a directional parking sign for Ratchet Hatchet at 5 E. Washington as per materials submitted in VZP-2023-294 by Nathan Woodruff. Seconded by Greg Cappelli. Vote 3-0. Carried.

DISCUSSION: Nancy Rogan presented VZP-2023-230, 29 Elizabeth Street, Jeff Hayes, Architectural Design Review of proposed changes to the approved plan.

Greg Keyser advised that on February 7, 2023 the Zoning Board of Appeals granted a variance to raise the roof on the existing non-conforming structure. On May 9, 2023 the Planning Board granted Site Plan and Architectural Design Review approval for the proposed one-story rear addition.

Jeff Hayes presented the approved plans and the proposed plans. He advised that the architect did not know the height of the house when he drew the plans and did not allow for the base floodplain elevation for the addition which is now slightly higher than the existing house. The foundation needed to be 2 feet above floodplain base elevation. He will lower the siding to reduce the visibility of the foundation.

Nancy Rogan stated that the addition should be the same height as the existing house. How do we mitigate?

Kelly Fredrickson said the difference is 1 foot 9 inches and the difference is not visible from the street.

Greg Cappelli asked if the applicant anticipated more changes?

Mr. Hayes said no. He had two surveys with different elevations which caused the error.

Nancy Rogan asked can you raise the roof of the existing house?

Mr. Hayes said he could as that work is not complete but he would have to apply to the ZBA for a variance.

Mr. Cappelli said the Board needs to understand how the changes impact the project and the approval.

Jeff Hayes said the siding will be lowered to the floodgates in the wall reducing the visibility.

Kelly Fredrickson stated that you cannot see the rear roof from the street even though it is higher than the existing house.

MOTION: Moved by Chad Neal to grant Architectural Design Review approval for the change to the roof line of the rear addition at 29 Elizabeth Street as submitted in materials in VZP-2023-230 by Jeff Hayes. Seconded by Greg Cappelli. Vote 3-0. Carried.

DISCUSSION: Greg Keyser presented the draft of Village of Ellicottville Local Law with regard to the sale and use of cannabis for review by the Planning Board.

Nancy Rogan asked can we meet with the committee that drafted the law and/or the Village Board? She would like more information before making a recommendation.

Greg Cappelli asked what is the intention of the law?

Mr. Keyser noted the Land Use Table in the document showing where permitted and not permitted, unless we do not allow at all. Some of the language is from other adopted codes.

Greg Cappelli asked do we limit the number of businesses allowed to prevent turnover?

Mr. Keyser said we can control locations with the setback regulations such as a certain number of feet from schools, churches and other businesses. New York State is trying to regulate by granting licenses to dealers. He will ask the committee members: Doug Bush, Damon Newpher, Daniel Rifkin and Richard Stanton, Village Attorney to attend the October meeting to discuss the document.

MOTION: Moved by Greg Capelli to adjourn at 6:30 p.m. seconded by Chad Neal. Vote 3-0. Carried.

Submitted by Donna Baldwin, Secretary