

**VILLAGE OF ELLICOTTVILLE  
ELLICOTTVILLE, NY 14731**

**PLANNING BOARD MEETING MINUTES  
OCTOBER 12, 2021**

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

**ALSO PRESENT** Gary Palumbo-Village Planner, Kelly Fredrickson-CEO, Caitlin Croft-Village Board liaison, Donna Baldwin-Secretary, Aaron Tiller-Architect, Dr. Jennifer Mancino-Applicant, Debra Kremblas-Ellicott Development James Fittante-Architect, Alan & Sarah Elia-Applicants, James Mulka-Architect, Daniel Earley Applicant, Bill Stoll & Jen Courtney-Applicants. Michelle Winters, Kathy Kellogg-Ellicottville Now

**AGENDA: VPB-2021-120- 5 E. Washington Street-Paws by the Peaks(veterinary clinic)**  
Special Use Permit  
Public Hearing October 12, 2021

**VPB-2021-100- 19 Elizabeth Street-Single family residence (addition)**  
Site Plan & Architectural Design Review  
Public Hearing October 12, 2021

**VPB-2021-133- 18 Elizabeth Street-Single family residence**  
Site Plan & Architectural Design Review  
Public Hearing October 12, 2021

**VPB-2021-112- 9 Elk Street Residence alterations (Withdrawn)**  
Architectural Design Review (tabled to October 12, 2021)

**VPB-2021-108- 19 Parkside Drive- Courtney/Stoll-Single Family Residence**  
Site Plan & Architectural Design Review

**VSP-2021-158 &159- 24 Washington Street- Blue Collar Worker**  
Hanging Sign & Wall sign permit applications

**VPB-2021-152- 1 Adams Street- Residence- Alterations**

Architectural Design Review

**VPB-2021-150- 23 Jefferson Street- Accessory Apartment**  
Special Use Permit

**VSP-2021- 165- 32 Washington Street - Kabob House**  
Projecting Sign Permit application

**Moratorium Committee - Status**

**DISCUSSION:** Nancy Rogan, Chairperson called the meeting to order at 5:30 p.m. and opened the public hearing for VPB-2021-120, 5 E. Washington Street, Special Use Permit application.

Gary Palumbo presented his staff rapport on this application to establish an animal hospital in two of the commercial spaces. The applicant proposes to establish a new approximately 4,070 s.f. veterinary clinic within the 11,555 s.f. building. The existing parking lot will be utilized. The building has already been approved for commercial uses.

There will be no exterior renovations that trigger Site Plan Review or Architectural Design Review by the Planning Board. The building owner is working with the State and CEO on building-wide modification(s) to become compliant with the floodplain regulations.

Nancy Rogan asked Dr. Jennifer Mancini to present her plans.

Dr. Mancini advised that she has been looking for a location for 3 years. She wants to get away from the corporate approach and plans to focus on clients and animals in a rural setting.

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 according to local law.

**MOTION:** Moved by Sean Cornelius to close the public hearing for VPB-2021-120, 5 E. Washington Street, Special Use Permit. Seconded by Damon Newpher. Roll call vote: Sheila Burrell-yes, Sean Cornelius-yes, Damon Newpher-yes, Sandy Reed-yes. Carried.

**DISCUSSION:** Nancy Rogan, Chairperson opened the public hearing for VPB-2021-100, 19 Elizabeth Street, Alan Elia, Site Plan and Architectural Design Review.

Gary Palumbo presented his staff report on this application for Site Plan and Architectural Design Review to construct additions to the existing single-family residence. The proposed 2-story additions are located on the sides and the rear of the house for a total floor area of 2,639 s.f. per the application, or 2,771 s.f. per staff calculation. The existing garage will be removed and a new 36' x 21' garage is proposed.

The ZBA granted an area variance of 132 s.f to increase the floor area on September 8, 2021.

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.

James Mulka, architect, representing Alan and Sarah Elia presented the plans and drawings for an addition to the existing house including a mudroom, pantry, expanded kitchen and 2 bedrooms upstairs. They are keeping the character of the existing house by using the same materials and colors. The existing garage will be demolished and a new detached garage will be constructed. The application does not include a Special Use Permit for an accessory apartment.

**MOTION:** Moved by Sheila Burrell to close the public hearing for VPB-2021-100, 19 Elizabeth Street, Site Plan and Architectural Design Review. Seconded by Sandy Reed. Roll call vote: Sheila Burrell-yes, Sean Cornelius-yes, Damon Newpher-yes, Sandy Reed-yes. Carried.

**DISCUSSION:** Nancy Rogan opened the public hearing for VPB-2021-133, 18 Elizabeth Street, George Churakos, Site Plan and Architectural Design Review.

Gary Palumbo presented his staff report on this proposal to construct a new single-family residence. The proposed 2 story house has a total floor area of 2,070 s.f. The project also includes a new 24'x20' (480 s.f.) garage. The 8,276 s.f. vacant lot is located in the Village Residential District. This application does not include a request for a Special Use Permit for an accessory apartment. The plans are drawn to maximize all the built area within the allowable dimensional standards. All setbacks are met. The 1 s.f. overage in the FAR is not significant, and is due to measurements.

Mr. Palumbo advised that a Flood Plain development permit will be required. If the height is changed to meet the floodplain rules, the Planning Board will have to review revised plans.

James Fittante, representing the applicant presented revised drawings showing the siding lowered to accommodate the height for the floodplain.

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

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

**MOTION:** Moved by Sean Cornelius to close the public hearing for VPB-2021-133, 18 Elizabeth Street, Site Plan and Architectural Design Review. Seconded by Sheila Burrell. Roll call vote: Sheila Burrell-yes, Sean Cornelius-yes, Damon Newpher-yes, Sandy Reed-yes. Carried.

**DISCUSSION:** Nancy Rogan, Chairperson opened the regular meeting with six members present.

The Minutes of the September 14, 2021 meeting were read.

**MOTION:** Moved by Sandy Reed to approve the Minutes of September 14, 2021 as read. Seconded by Sean Cornelius. Roll call vote: Sheila Burrell-yes, Sean Cornelius-yes, Damon Newpher-yes, Sandy Reed-yes. Carried.

Nancy Rogan presented the agenda for changes, additions or approval.

Gary Palumbo advised that in September VPB-2021-112, 9 Elk Street was tabled until the October 12, 2021 meeting. The applicants have since withdrawn the application.

**DISCUSSION:** Nancy Rogan presented VPB-2021-120, Dr. Jennifer Mancini, 5 East Washington Street, Special Use Permit to establish a veterinary clinic.

Gary Palumbo advised that this is an Unlisted Action under SEQR and a Short EAF Part 1 is required. A Part 2 has been drafted and the Planning Board should make a Determination of Significance prior to taking action on the Special Use Permit. No 239-referral to the Cattaraugus County Planning Board is required. It appears that the general intent of the Village Comprehensive Plan, Zoning and general redevelopment policies can be met. He offered motions for the Board to consider. The Planning Board has 62 days to act following the close of the public hearing.

Nancy Rogan stated that the Board has been discussing and reviewing this project for 2 months. Are there any more questions? Nothing was submitted.

**MOTION:** Moved by Sheila Burrell to determine that the Action (SUP) for a change in use establishing an approximately 4,070 s.f. veterinary clinic (animal hospital) at 5 East Washington Street will not have a significant impact on the environment when compared to the criteria listed in Section 617.7 and to issue a Negative Declaration. Seconded by Sandy Reed. Roll call vote: Sheila Burrell-yes, Sean Cornelius-yes, Damon Newpher-yes, Sandy Reed-yes. Carried.

**MOTION:** Moved by Damon Newpher to grant Special Use Permit for a change in use establishing an approximately 4,070 s.f. veterinary clinic (animal hospital) at 5 East Washington Street as described in the application materials received August 18, 2021. This approval is granted with the following condition(s):

1. The SUP does not include signage. An application for a sign permit is required before installing a new sign(s) or awnings.
2. Any proposed changes to the building exterior shall first be submitted to the CEO for his review and determination if they need to be referred to the Planning Board for Architectural Design Review.

3. If interior renovations require a Building Permit, a Floodplain Development permit may be required from the CEO before construction begins.

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

**DISCUSSION:** Nancy Rogan presented VPB-2021-100, 19 Elizabeth Street, Site Plan and Architectural Design Review of proposed renovations to existing single family residence. Gary Palumbo stated that construction of a single-family house is a Type II action under SEQR Part 617.5(c) and no further review is required. A Section 239 Referral to Cattaraugus County Planning Board is not required. At the close of the public hearing the Planning Board has 62 days to act on the Site Plan application. He offered motions for the Board to consider.

**MOTION:** Moved by Sheila Burrell to determine that Site Plan Review for additions to a single-family residence is a Type II SEQR action, pursuant to Section 617.5(c)(9) of the SEQRA regulations. No further SEQR review is required. Seconded by Sean Cornelius. Roll call vote: Sheila Burrell-yes, Sean Cornelius-yes, Damon Newpher-yes, Sandy Reed-yes. Carried.

**MOTION:** Moved by Sandy Reed to grant Site Plan and Architectural Design Review approvals for the proposed additions to the existing single-family dwelling and new garage at 19 Elizabeth Street as depicted on revised plans dated June 7, 2021 and received August 25, 2021. This approval is granted with the following conditions:

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 back to the Planning Board for Architectural Design Review.
2. This approval is limited to use of the property as a single-family residential dwelling and does not include any accessory apartment, lockout room or rental of property for periods less than 30 days.

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

**DISCUSSION:** Nancy Rogan presented VPB-2021-133, 18 Elizabeth Street, Site Plan and Architectural Design Review of proposed single family residence. Gary Palumbo advised that revised drawings are before the Board. A single family house is a Type II Action under SEQR Part 617.5(c)(9) and no further review is required. A Section 239 Referral to the Cattaraugus County Planning Board is not required. At the close of the public hearing the Planning Board has 62 days to act on the Site Plan. He offered motions for the Board to consider.

Nancy Rogan noted that if the elevation changes due to the floodplain, the siding can be pulled down.

Mr. James Fittante advised that the October 12, 2021 revised drawings already show the siding being brought down.

**MOTION:** Moved by Sheila Burrell to determine that Site Plan Review for a single family residence is a Type II SEQR action, pursuant to Section 617.5(c)(9) of the SEQRA regulations. No further SEQR Review is required. The Planning Board moves to grant Site Plan and Architectural Design review approvals for a single family dwelling as depicted on reviewed plans dated September 24, 2021 and received October 12, 2021. This approval is granted with the following conditions:

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 back to the Planning Board for Architectural Design Review.
2. This approval is limited to use of the property as a single-family residential dwelling and does not include any accessory apartment, lockout room or rental of the property for periods less than 30 days.
3. A Floodplain Development permit shall be obtained through the CEO before construction begins.
4. If the first floor must be elevated in order to meet the local floodplain development regulations, and revisions are proposed to exterior elevation plans, the CEO shall refer the application back to the Planning Board for further Architectural Design Review.

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

**DISCUSSION:** Nancy Rogan presented VPB-2021-108, 19 Parkside Drive, Courtney/Stoll single family residence Site Plan and Architectural Design Review.

Gary Palumbo presented his staff report on this Site Plan Review for a new approximately 3,038 s.f. Single-family residence with attached 2-car garage on lot 17 in the Colton Corners Subdivision. The 14,00 s.f. Interior lot fronting on Parkside Drive is located in the Medium Density District. The front, rear and side yard setbacks, height and open space requirements are met. The Floor Area Ratio is 3,391 s.f. (24.2%) not counting the 627 s.f. of second floor attic storage space above the garage. The maximum FAR is 3,500 s.f.

Aaron Tiller, representing the applicant advised that the area above the garage is for storage. Living space cannot be extended into the second floor of the garage.

Nancy Rogan noted that if it does not meet the FAR we cannot approve.

Jennifer Courtney asked how much space can be used for storage?

Mr. Palumbo said if you remove the interior door and label it attic space with access through the garage, and not heat the attic, then the FAR is met.

Mr. Palumbo advised that based on the proposed elevation drawings, the overall design style and shape of the house appears to meet the design standards. The roof shows typical architectural style shingles and the siding is one basic material. Except on the rear and one side window, the windows appear to be double hung. The rear windows appear to be casement. The windows on the rear and right have a transom style pane above the main windows. Exterior lighting is shown next to the garage doors and man-door on the right side. The site plan shows landscaping/foundation plants on all four sides.

Construction of a single-family house is a Type II Action under SEQR Part 617.5(c) and no further review is required. A Section 238 Referrat to the Cattaraugus County Planning Board is not required. In September the Planning Board held a public hearing, and no comments were received. The Board has 62 days to act following the close of the public hearing. He offered motions for the Board to consider.

**MOTION:** Moved by Sandy Reed to classify the Site Plan Review for a single-family residence at 19 Parkside Drive as a SEQR Type II Action, pursuant to Section 617.5(c)(11) of the SEQRA regulations. No further review under SEQR is required. Seconded by Sheila Burrell. Roll call vote: Sheila Burrell-yes, Sean Cornelius-yes, Damon Newpher-yes, Sandy Reed-yes. Carried.

**MOTION:** Moved by Sean Cornelius to grant approvals for the Site Plan Review and Architectural Design Review for a single-family dwelling at 19 Parkside Drive as depicted on plans and revised through July 8, 2021. This approve is granted with the following modifications(s) and condition(s):

1. The Site Plan approval for the single-family residence does not include accessory apartments or rentals for less than 30 days, which would be a separate action.
2. Per the Village Engineer's comments on the site plan, the final construction drawings (for building permit) shall show new water and sewer standard details:
  - Minimum 1" HDPE DR-9 service line with tracer wire, locator tape, and PRV inside the house.
  - PVC SDR35 sewer pipe (gasketed joints) with tracer wire, locator tape-the cleanout needs to be brought down to grade level after construction.
3. A change in the plans will delete the interior door to the unfinished non-conditioned attic space which will only be for storage and accessed through the garage.

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

**DISCUSSION:** Nancy Rogan presented VSP-2021-158 & 159, 24 Washington Street, Daniel Earley, Blue Collar Worker, sign permit applications for a hanging sign and wall sign.

Gary Palumbo presented the application for a 4' by 3' black and white oval hanging sign to be hung at least 8 feet above the ground under the existing porch. Any lighting should shine down on the sign from above.

Daniel Earley said the lighting is already in place. I am not adding anymore.

Mr. Palumbo presented a 6' by 5' black, yellow and white square wall sign. Both signs meet the regulations and drawings were submitted.

**MOTION:** Moved by Damon Newpher to approve VSP-2021-158, a 4' by 3' oval hanging sign for 24 Washington Street as presented in application materials. Any lighting will shine down from above. Seconded by Sheila Burrell. Roll call vote: Sheila Burrell-yes, Sean Cornelius-yes, Damon Newpher-yes, Sandy Reed-yes. Carried.

**MOTION:** Moved by Sandy Reed to approve VSP-2021-159 a 6' by 5' square wall sign for 24 Washington Street as presented in application materials. Any lighting will shine down from above. Seconded by Sean Cornelius. Roll call vote: Sheila Burrell-yes, Sean Cornelius-yes, Damon Newpher-yes, Sandy Reed-yes. Carried.

**DISCUSSION:** Nancy Rogan presented VPB-2021-152, 1 Adams Street, David Mangan, Architectural Design Review of proposed renovations to the existing house.

Gary Palumbo presented his staff report on this proposal to replace existing windows with different size and style. There are no footprint changes.

Renovation of a single-family house is a Type II Action under SEQR Part 617.5(c)(9) and no further review is required. A Section 239 Referral to the Cattaraugus County Planning Board is not required. He offered motions for the Board to consider.

Nancy Rogan noted the Board reviewed the elevation drawings showing double hung windows in the front of the house and removal of the bay window which will be replaced with two double hung windows.

Aaron Tiller presented the plans showing new windows and removal of one door.

**MOTION:** Moved by Sandy Reed to determine that the Site Plan Review Is a Type II SEQR action, pursuant to Section 617.5(c)(9) of the SEQRA regulations. No further review under SEQR is required. Seconded by Sheila Burrell. Roll call vote: Sheila Burrell-yes, Sean Cornelius-yes, Damon Newpher-yes, Sandy Reed-yes. Carried.

**MOTION:** Moved by Sheila Burrell to grant Architectural Design Review approval for window replacement at the residential dwelling on 1 Adams Street, as depicted on revised plans dated May 25, 2021 and received September 16, 2021. This approval is granted without modification or conditions. Seconded by Sean Cornelius. Roll call vote: Sheila Burrell-yes, Sean Cornelius-yes, Damon Newpher-yes, Sandy Reed-yes. Carried.

**DISCUSSION:** Nancy Rogan presented VPB-2021-150, 23 Jefferson Street, Jessica Gilbert, a Special Use Permit to establish an accessory apartment.

Gary Palumbo presented his staff report on this change in use to establish an accessory apartment in the existing retail property (Ava Grace). The applicant intends to renovate the second floor into a 2-bedroom apartment. There are no exterior renovations proposed and the existing parking lot (approximately 12 spaces) will be utilized. The 2-bedroom rental requires 2 spaces.

One accessory apartment is an allowed use in the VC-2 District with a Special Use Permit. New accessory apartments in the commercial districts are allowed under the current

moratorium. The applicant's letter indicates she may obtain a short-term rental license, which is allowed in the VC-2 District.

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

Nancy Rogan asked if there is egress and ingress for the apartment?

Jessica Gilbert said there are two separate entrances, one for the commercial space and one for the apartment.

**MOTION:** Moved by Sandy Reed to set a public hearing for VPB-2021-150, 23 Jefferson Street, Special Use Permit application to establish an accessory apartment for November 9, 2021 at 5:30 p.m. Seconded by Sean Cornelius. Roll call vote: Sheila Burrell-yes, Sean Cornelius-yes, Damon Newpher-yes, Sandy Reed-yes. Carried.

**DISCUSSION:** Nancy Rogan presented VSP-2021-165, 32 Washington Street, sign permit application for a projecting sign for Kabob House.

Mr. Palumbo advised the gold and black sign will be hung in the same location from the balcony as the existing sign. Lighting will shine down on the sign. A drawing was submitted.

**MOTION:** Moved by Damon Newpher to approve sign permit application VSP-2021-165 for a projecting sign for Kabob House at 32 Washington Street as submitted in application materials. Lighting will shine down on the sign. Seconded by Sean Cornelius. Roll call vote: Sheila Burrell-yes, Sean Cornelius-yes, Damon Newpher-yes, Sandy Reed-yes. Carried.

**DISCUSSION:** Gary Palumbo asked to set a Moratorium Committee meeting for October 18, 2021 at 4:00 p.m.

**MOTION:** Moved by Sean Cornelius to adjourn at 6:40 p.m. Seconded by Damon Newpher. Vote 4-0. Carried.

Submitted by: Donna Baldwin, Secretary