

**VILLAGE OF ELLICOTTVILLE  
ELLICOTTVILLE, NY 14731**

**PLANNING BOARD MEETING MINUTES  
NOVEMBER 9, 2021**

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

**ALSO PRESENT:** Gary Palumbo-Village Planner, Kelly Fredrickson-CEO,  
Donna Baldwin-Secretary, Jessica Gilbert-Applicant.

**AGENDA: VPB-2021-150 - 23 Jefferson Street - Accessory Apartment**  
Special Use Permit Application  
Public Hearing November 9, 2021

**Moratorium Committee**

Revisions from Meetings #5 (Oct. 25) & Meeting #6 (Nov 2)  
Recommendation to Village Board

**DISCUSSION:** Nancy Rogan, Chairperson opened the public hearing for TPB-2021-150, 23 Jefferson Street, Jessica Gilbert, Special Use Permit for an accessory apartment.

Gary Palumbo presented his staff report on this proposal for a 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 to the 2-story house and the existing parking lot (approximately 12 spots) will be utilized.

One accessory apartment is an allowed use in the VC-2 District with a Special Use Permit from the Planning Board. New accessory apartments in the commercial district are allowed under the current moratorium. The applicant indicates that she may obtain a short-term rental license, which is allowed in the VC-2 District.

Construction of an accessory apartment is a Type II Action under SEQRR Part 617.5(c)(9) and no further review is required.

Cattaraugus County Planning Board 239-Referral is not required because the expansion of the building footprint is less than 10% and falls under the Exemption Agreement between the

Village and County.

Nancy Rogan asked for questions or comments from the people attending? She advised that she received one telephone call from a resident in favor of the proposal.

Gary Palumbo stated that no other verbal or written 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 TPB-2021-150, 23 Jefferson Street, Special Use Permit application. Seconded by Greg Cappelli. Roll call vote: Sean Cornelius-yes, Greg Cappelli-yes, Damon Newpher-yes, Sandy Reed-yes. Carried.

**DISCUSSION:** Nancy Rogan, Chairperson called the regular meeting to order with five members present. She presented the agenda for changes, additions or approval. The agenda was approved as submitted.

The Minutes of the October 12, 2021 meeting were read.

**MOTION:** Moved by Sandy Reed to approve the Minutes of October 12, 2021 as read. Seconded by Damon Newpher. Roll call vote: Sean Cornelius-yes, Greg Cappelli-yes, Damon Newpher-yes, Sandy Reed-yes. Carried.

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

Gary Palumbo noted that the general intent of the Village Comprehensive Plan, Zoning and applicable development policies are met. He offered motions for the Planning Board to consider.

**MOTION:** Moved by Greg Cappelli to determine that a Special Use Permit for change to the existing structure to accommodate an accessory residence is a Type II SEQR action, pursuant to Section 617.5(c) of the SEQRA regulations and no further SEQR review is required. Seconded by Damon Newpher. Roll call vote: Sean Cornelius-yes, Greg Cappelli-yes, Damon Newpher-yes, Sandy Reed-yes. Carried.

**MOTION:** Moved by Damon Newpher to grant Special Use Permit for the proposed establishment of an accessory (2-bedroom) apartment on the second floor of the existing retail property at 23 Jefferson Street, as presented in the application materials dated September 21, 2021. This approval is granted with the following conditions:

- 1) Any future 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) The Special Use Permit is limited to establishing the accessory apartment and does not include rentals for less than 30 days. Short-term rentals for periods less than 30 days shall only be conducted in accordance with the Village Zoning Section

16.15-Short-Term Rental, and under the provisions of an annual license issued by the Code Enforcement Officer

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

**DISCUSSION:** Gary Palumbo presented an update on the Moratorium Committee's work. The 8th meeting was held on November 9, 2021 at 4:30 p.m. He presented the minor changes discussed at today's meeting and will email the draft amendments to the committee members for their review. The goal is to get a recommendation to the Village Board so they can start the review process. The 6-month moratorium on accessory apartments expires next week. The Village Board will need to extend it in order to review the amendments to the Zoning and hold a public hearing on the changes to the law.

Mr. Palumbo asked that the Planning Board move to recommend to the Village Board that they adopt the amendment prepared by the committee.

**MOTION:** Greg Cappelli moved that the Planning Board recommends to the Village Board that they adopt the amendment language in the document dated November 3, 2021 and reviewed November 9, 2021. Seconded by Damon Newpher. Roll call vote: Sean Cornelius-yes, Greg Cappelli-yes, Damon Newpher-yes, Sandy Reed-yes. Carried.

**DISCUSSION:** Gary Palumbo advised that the Mark Marino at 66 Elizabeth Street is proposing a minor change to the exterior design of the house renovations. The 2 dormer windows proposed are being deleted. He feels that this is minor enough for the Code Enforcement Officer to approve the change without Planning Board review. The Planning Board members agreed.

**MOTION:** Moved by Sean Cornelius to adjourn at 6:15 p.m. Seconded by Sandy Reed. Roll call vote: Sean Cornelius-yes, Greg Cappelli-yes, Damon Newpher-yes, Sandy Reed-yes. Carried.

Submitted by: Donna Baldwin, Secretary