

**VILLAGE OF ELLICOTTVILLE
PLANNING BOARD MEETING MINUTES
AUGUST 8, 2023**

PRESENT: Nancy Rogan, Chairperson
Sheila Burrell, Member
Sean Cornelius, Member
Chad Neal, Member
Greg Cappelli, Alternate Member

ALSO PRESENT: Gregory Keyser-Village Planner, Kelly Fredrickson, CEO, Rich Rinko-Assistant CEO, John Burrell-Mayor, Richard Stanton-Village Attorney, Caleb Henning-MDA Consulting Engineers, Jake Flitten-Haven Architecture, Aaron Tiller-Architect, Stephanie Adams-Attorney, Daniel & Laura Rifkin-Applicants, John Gaughan-Applicant, Janet Armstrong-Applicant, Douglas Armstrong, Jolie Newpher-Applicant, Caitlin Croft

AGENDA: VZP-2023-118-39 Martha Street, Daniel Rifkin

Site Plan & Architectural Design Review of residential addition
Public Hearing August 8, 2023

VZP-2023-132- 11 Greer Hill, John Gaughan

Special Use Permit & Landscape Design Review of accessory patio
Public Hearing August 8, 2023

VZP-2023-246-8 Holihilton Road- Janet Armstrong

Site Plan & Architectural Design Review of residential
Public Hearing August 8, 2023

VZP-2023-152- 7 MEchanic Street- Sandara Reed-Cook

Architectural Design Review of expanded front porch

VZP-2023-263-7-9 Elk Street, Craig & Michelle Winters

Application for subdivision of lot- 1 lot split

VZP-2023-266-2 Jefferson Street- Damon & Jolie Newpher

Architectural Design & Historic District Review of residential addition

VZP-2023-039- 23 Mill Street-Village of Ellicottville

Site Plan Amendment- Municipal Parking Lot

DISCUSSION: Nancy Rogan, Chairperson called the meeting to order at 5:30 p.m. and opened the public hearing for **VZP-2023-118, 39 Martha Street, Daniel Rifkin, Site Plan and Architectural Design Review of proposed 2 story addition.** She 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 Sheila Burrell to close the public hearing for VZP-2023-118, 39 Martha Stereret, Daniel Rifkin, Site Plan and Architectural Design review of proposed 2 story addition. Seconded by Sean Cornelius. Vote 4-0. Carried.

DISCUSSION: Nancy Rogan opened the public hearing for **VZP-2023-132, 11 Greer Hill, John Gaughan, Special Use Permit and Landscaping Design Review of Accessory Patio.** She asked for questions and comments from the people attending.

Gregory Keyser advised that he received a telephone call from Ann Lewis of 7 Greer Hill who needed help with the website to review the plans. Once she saw the plans she was not opposed to the project. 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 Sean Cornelius to close the public hearing for VZP-2023-132, 11 Greer Hill, John Gaughan, Special Use Permit and Landscaping Design Review of an accessory patio. Seconded by Chad Neal. Vote 4-0. Carried.

DISCUSSION: Nancy Rogan presented **VZP-2023-246, 8 Holihilton Road, Janet Armstrong, Site Plan and Architectural Design Review of proposed residential addition.** She 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-2023-246, 8 Holihilton Road, Janet Armstrong, Site Plan and Architectural Design Review of proposed residential addition. Seconded by Greg Cappelli. Vote 4-0. Carried.

DISCUSSION: Nancy Rogan opened the regular meeting with five members present and presented the agenda which was approved as submitted.

The Minutes of the July 5, 2023 Village Planning Board Work Session were read. Corrections were made.

MOTION: Moved by Sheila Burrell to approve the Minutes of the July 5, 2023 Village Planning Board Work Session as corrected. Seconded by Chad Neal. Vote 4-0. Carried.

The Minutes of the July 11, 2023 Village Planning Board Meeting were read.

MOTION: Moved by Greg Cappelli to approve the Minutes of July 11, 2023 Village Planning Board Meeting as read. Seconded by Chad Neal. Vote 4-0. Carried.

DISCUSSION: Nancy Rogan presented VZP-2023-118, 39 Martha Street, Daniel Rifkin, Site Plan and Architectural Design Review of proposed 2 story residential addition.

Gregory Keyser advised that the plan is to construct a two story addition at the rear of the house with an added second floor over the one story section and an 8 foot wide wrap around porch across the front of the house and along the side near the driveway. The Planning Board had to adhere to the standards in the zoning that apply to the project. The Board has 62 days to make a decision after the close of the public hearing.

Caleb Henning, representing the applicants presented the elevation drawings showing the proposed additions and wrap-around porch and the site plan showing existing and proposed elevations as well as materials to be used. The project will expand the living space. The height and width of the house will not change. The addition at the rear will not expand beyond the existing back porch. A map of the Village showing the square footage of other structures was presented along with photographs of larger homes in the neighborhood. He feels that the proposed addition meets the mass, size and scale of the general neighborhood.

Mr. Henning stated that the proposed architectural design is of good quality and will not reduce or increase the value of the surrounding properties. There was no negative feedback from the neighbors. The project is compatible with the building codes with no prohibited shapes or materials.

Nancy Rogan noted that the issue for the Planning Board is mass, size and scale. Most of the houses with a footprint as large as the one proposed include an attached garage.

Greg Keyser stated that the zoning provides a minimum square footage allowed but not a maximum square footage. How does the mass, size and scale compare to the neighboring properties? Does the Planning Board feel the applicant has made their case? They adjusted the height to meet the zoning. The ZBA granted an area variance for the non-conforming use to expand the front porch.

Sheila Burrell noted that the Edelweiss and the houses on Jefferson Street referenced are in the Commercial District.

Caleb Henning said that other houses in the neighborhood are 5000 plus square feet. By keeping the existing roof height we gave up the habitable attic space and gave up habitable space in the basement. The total square footage proposed is 5115.

Mr. Keyser noted the code reads “consistent with the zoning district” allowing harmony of design on the border of two districts.

Jake Flitton stated we are looking at aesthetics as we cannot see the zoning districts on the survey map or Cattaraugus County Tax Map.

Nancy Rogan said you need to look at the houses surrounding this property. The rear addition is over 2000 square feet. When some of the houses are not over 2000 square feet this is substantial.

Richard Stanton, Village Attorney advised that the Planning Board has to look at the criteria in Section 6.7 when reviewing the proposal.

Greg Keyser asked, is the foundation being used or replaced?

Jake Flitton said he does not know if it will need to be replaced. We can only see the original stone foundation under the main house. The foundations under the additions are not visible.

Mr. Keyser advised that the Zoning Board of Appeals classified the project as a Type 2 Action under 617.5(c)(11) of SEQR involving the expansion of a single-family residence on an approved building lot. The Planning Board should confirm the project as a Type 2 Action before acting on the Site Plan and Architectural Design requests.

MOTION: Moved by Greg Cappelli to classify the project as a Type 2 Action under 617.5(c)(11) of SEQR involving the expansion of a single-family residence on an approved building lot. Seconded by Chad Neal. Vote 4-0. Carried.

MOTION: Moved by Sheila Burrell to grant Site Plan and Architectural Design approval for proposed renovations and additions to the existing house at 39 Martha Street as presented in materials in VZP-2023-118 submitted by Daniel Rifkin. Seconded by Greg Cappelli. Roll Call Vote: Sheila Burrell-no, Greg Cappelli-no, Sean Cornelius-abstain, Chad Neal-no. Carried.

DISCUSSION: Nancy Rogan presented VZP-2023-132, John Gaughan, Special Use Permit and Landscape Design Review to allow a vacant lot to be used for an expanded driveway and accessory patio.

John Gaughan presented a Site Plan of the two lots and a drawing of the proposed curved driveway and patio area with fire pit on lot 11. There will be artificial turf with some rocks. Plantings will be in mulched beds. Drainage will be installed. The patio will be an extension of the curved driveway that accesses the residence on lot 13. A 4 foot high fence will enclose the fire pit and match the existing fence at the rear of the house.

Greg Keyser advised that the Planning Board should classify the project as a Type 2 Action involving the construction of minor accessory residential structures before action on the Special Use Permit. No referral to the Cattaraugus County Planning Board is required.

MOTION: Moved by Greg Cappelli to classify the project as a Type 2 Action under SEQR involving the construction of minor accessory residential structures. Seconded by Chad Neal. Vote 4-0. Carried.

MOTION: Moved by Sean Cornelius to grant a Special Use Permit and Landscape Design approved for the proposed curved driveway and patio area with fire pit at 11 Greer Hill as per materials presented in VZP-2023-132 submitted by John Gaughan. Seconded by Greg Cappelli. Vote 4-0. Carried.

DISCUSSION: Nancy Rogan presented VZP-2023-246, 8 Holihilton Road, Janet Armstrong, Site Plan and Architectural Design Review to construct a new addition to an existing townhouse.

Aaron Tiller, representing the applicant presented the Site Plan and Elevation drawings for the proposal to remove an existing attached shed and elevated deck and build a 580 square foot addition. The siding will be vertical siding to match the existing building. The proposed windows are casement and picture windows to match the existing building. No changes have been proposed since the July 11, 2023 presentation.

Greg Keyser advised that the Planning Board should classify the project as a Type 2 Action involving the expansion of a one-family dwelling unit on an approved lot before acting on the Site Plan and Architectural Design approval.

MOTION: Moved by Sean Corelius to classify the project as a Type 2 Action under SEQR involving the expansion of a one-family dwelling unit on an approved lot. Seconded by Sheila Burrell. Vote 4-0. Carried.

MOTION: Moved by Sheila Burell to grant Site Plan and Architectural Design approval of proposed construction of a new addition to an existing townhouse at 8 Holihilton Road as presented materials in VZP-2023-246 submitted by Janet Armstrong. Seconded by Greg Cappelli. Vote 4-0. Carried.

DISCUSSION: Nancy Rogan presented VZP-2023-152, 7 Mechanic Street, Sandra Reed-Cook, Architectural Design Review of proposed new front porch.

Aaron Tiller, representing the applicant presented Elevation drawings of the proposal to demolish the existing 6' x 16' front porch and replace it with a 6' x 28 foot porch to extend across the front of the house. A small roof will also be constructed over the door at the side of the house. The roof will match the existing roof on the house.

Nancy Rogan asked if the roof over the side door will match the front porch?

Mr. Tiller said yes.

Nancy Rogan asked about the material for the railing and posts?

Aaron Tiller said the posts will be wrapped in vinyl. There is a step down from the door to the porch floor and a step down from the porch to the ground.

Greg Keyser advised that the Zoning Board of Appeals granted an area variance for the non-conforming use to expand the porch the length of the house. A public hearing is not required for Architectural Design Review but a notice of the project was sent to neighbors. The Planning Board should classify the project as a Type 2 Action under SEQR involving the expansion of a single-family residence on an approved lot before acting on the Architectural Design Review.

MOTION: Moved by Chad Neal to classify the projects as a Type 2 Action under SEQR involving the expansion of a single-family residence on an approved lot. Seconded by Sean Cornelius. Vote 4-0. Carried.

MOTION: Moved by Sheila Burrell to grant Architectural Design approval of the proposed project to construct a new front porch and roof over the side door at 7 Mechanic Street as presented in materials in VZP-2023-152 submitted by Sandra Reed-Cook. Seconded by Greg Cappelli. Vote 4-0. Carried.

DISCUSSION: Nancy Rogan presented VZP-2023-263, 7-9 Elk Street, Craig and Michelle Winters, Intent to Subdivide.

Greg Cappelli recused himself from discussion of this application as he is a neighbor.

Stephanie Adams, Attorney for the applicants, presented the Letter of Intent to subdivide the lot at 7-9 Elk Street. The lot has for four decades been identified as “7 Elk” and “9 Elk”, and clearly presents as two residential lots and was sold as such in 2011 by a licensed realtor. She looks forward to conferring with the Village Attorney on wording for potential conditions in furtherance of this, including considerations such as:

- The applicants agreeing that development in the area should not detract or visually infringe upon an existing neighborhood.
- The applicants agreeing to conditions regarding use of accessory structures to never be built out of dwellings and never more than one accessory per lot.
- The applicants agreeing that the properties shall be assessed and taxed separately, and to record all appropriate documentation in furtherance of the same.
- The applicants agree to a condition restricting the newly formed lot, 9 Elk, to a single-unit residence.
- The applicants agree to a condition restricting the newly formed lot, 7 Elk to a two-unit residence.

The proposal meets the Comprehensive Plan and she would like to discuss the procedure to move forward.

Nancy Rogan noted that the garage was converted to an apartment in 1985 and the site was never two lots.

Ms. Adams stated that the property was advertised and sold as two residential living units..

Mrs. Rogan advised that the garage was always an accessory apartment.

Stephanie Adams noted that the single lot currently has 3 residential units: two on 7 Elk and one unit on 9 Elk. The subdivision would create two lots for the tax base and could be sold separately in the future which would be consistent with the Village's goal of encouraging owner-occupied property in the VR District. This makes sense to the property and the Village. Garage apartments are part of the character of the Village.

Nancy Rogan stated that we never create non-conforming lots.

Greg Keyser advised that he had 62 days to present the Letter of Intent to Subdivide to the Planning Board. It should determine if the proposal is a minor or major subdivision.

Nancy Rogan noted that the Comprehensive Plan states that in the Village Residential InDistrict, only lots greater than twice the prevailing lot size for the neighborhood should be allowed to be subdivided.

Ms. Adams stated that the prevailing lots in the neighborhood are smaller in size than the two proposed lots at 7-9 Elk Street which will be 49 feet and 58 feet wide.

Richard Stanton, Village Attorney, advised that Section 3A 2. States: No re-subdivision of any lot is not allowed in the Village Residential District. The Planning Board has limited authority and does not have discretion over lots in this district.

MOTION: Moved by Sean Cornelius to approve the application for the Intent to Subdivide at 9 Elk Street as presented in materials in VZP-2023-263 submitted by Craig and Michelle Winters. Roll call vote: Sheila Burrell-no, Sean Cornelius-no, Chad Neal-no. Carried.

DISCUSSION: Nancy Rogan presented VZP-2023-266, 2 Jefferson Street, Damon & Jolie Newpher, Architectural Design and Compliance to Historic District Regulations review to allow the construction of a one story addition and new front porch.

Aaron Tiller, representing the applicants presented the elevation drawings of the proposed 8' x 12' front porch and the 18' x 14' one story addition. The dining room windows will be removed and a door to access the addition will be installed. The roof will be metal to match the existing house roof and the siding will be cedar to match the dormer windows in the existing house.

Greg Keyser advised that if the Planning Board feels it has enough information for a meaningful public review a public hearing can be set for the September meeting.

MOTION Moved by Greg Cappelli to set a public hearing for VZP-2023-266, 2 Jefferson Street, Damon & Jolie Newpher, Architectural Design Review and Compliance to Historic District Regulation review for September 12, 2023 at 5:30 p.m. Seconded by Sean Cornelius. Vote 4-0. Carried.

DISCUSSION: Nancy Rogan presented VZP-2023-039, 23 Mill Street, Village of Ellicottville, Site Plan Amendment to approved municipal parking lot plan.

Greg Keyser presented the request from the Village Board for an amendment to the site plan approved by the Planning Board on May 9, 2023. The Village Board awarded the construction contract on August 2, 2023 and elected to accept an alternative bid to furnish and install vinyl fencing. The May 9, 2023 approval indicated that the fencing would be wood and that the project would have to come back to the Planning Board if the fencing changed.

The Planning Board should determine that the vinyl fencing is not a substantial change from the approved plan and grant the site plan amendment or determine the proposed vinyl fencing is a substantial change from the approved plan and schedule a public hearing for the September 12, 2023 meeting. The Planning Board may also reopen SEQR if it is determined that vinyl fencing is a substantial change.

John Burrell advised that the Village Board felt that vinyl fencing would require less maintenance than wood even though it cost more.

MOTION: Moved by Greg Cappelli that the Planning Board determines that the vinyl fencing is not a substantial change from the approved plan and grants the site plan amendment to VZP-2023-039, 23 Mill Street Municipal Parking Lot approved plan. Seconded by Sean Conelius. Vote 4-0. Carried.

MOTION: Moved by Greg Cappelli to adjourn at 6:40 p.m. Seconded by Chad Neal. Vote 4-0. Carried.

Submitted by Donna Baldwin, Secretary