

**VILLAGE OF ELLICOTTVILLE  
ELLICOTTVILLE, NY  
PLANNING BOARD MEETING MINUTES  
SEPTEMBER 10, 2024**

**PRESENT:** Nancy Rogan, Chairperson  
Gregory Cappelli, Member  
Chad Neal, Member  
Damon Newpher, Member  
Blair Hamilton, Alternate Member

**ALSO PRESENT:** Gregory Keyser-Village Planner, Kelly Fredrickson-CEO, Aaron Tiller-Architect, Judith Majury-Applicant, Bo Sunshine-Applicant, Nathan Woodruff-Applicant, Brad Taylor, Nancy Taylor-19 Adams Street

**AGENDA: VZP-2024-37- 20 Adams Street, Judith Majury,**  
Historic District & Architectural Design Review -New Deck  
Public Hearing 9/10/2024

**VZP-2024-41/42-14-16 Washington Street,John Rounds**  
Historic District & Architectural Design Review of New  
covered front porch, rear garage addition and  
demolition of accessory buildings

**VZP-2024-58- 38 Washington Street, Green Room Sports Lounge**  
Special Use Permit- Proposed Bar & Indoor Entertainment

**VSP-2024-10, 5 East Washington Street, Ellicottville Bake Shop**  
Sign Permit Application - Wall Sign

**VSP-2024-11- 5 East Washington Street, Ratchet Hatchet**  
Sign Permit Application- Ground Sign

**DISCUSSION:** Nancy Rogan, Chairperson called the meeting to order at 5:30 p.m. with five members present and opened the public hearing for VZP-2024-37, 20 Adams Street, Judith Majury, Historic District and Architectural Design review of a new deck.

Greg Keyser presented the application for Architectural Design and Historic District review of a proposal to demolish an existing 300 square foot deck and replace it with a 435 square foot deck. The deck will have painted wood railings to match the existing front porch. Her son is the architect and has confirmed the design of the deck to be constructed.

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.

Brad and Nancy Taylor of 19 Adams Street spoke in favor of the project.

**MOTION:** Moved by Damon Newpher to close the public hearing for VZP-2024-37, 20 Adams Street, Judith Majury, Architectural Design and Historic District review of a new deck. Seconded by Blair Hamilton. Vote 4-0. Carried.

Nancy Rogan opened the regular meeting.

The Minutes of the August 6, 2024 Planning Board Work Session were read.

**MOTION:** Moved Greg Cappelli to approve the Minutes of the August 6, 2024 Planning Board Work Session as read. Seconded by Damon Newpher. Vote 4-0. Carried.

The Minutes of the August 13, 2024 Planning Board Meeting were read. Corrections were made.

**MOTION:** Moved by Chad Neal to approve the Minutes of the August 13, 2024 Planning Board Meeting as corrected. Seconded by Blair Hamilton. Vote 4-0. Carried.

**DISCUSSION:** Nancy Rogan presented VZP-2024-37, 20 Adams Street, Judith Majury, Architectural Design and Historic District review of new 435 square foot deck and demolition of the existing 300 square foot deck for discussion.

Greg Keyser advised that the project meets the definition of a Type 2 Action under 617.5 of SEQR Regulations and the Planning Board should classify the project as a Type 2 Action before acting on the approval.

The building is listed on the State Register of Historic Places requiring Historic District review as well as Architectural Design Review per Section 10 of the Zoning Code. A demolition permit for the old deck will be required.

**MOTION:** Moved by Greg Cappelli that the Planning Board classifies the project as a Type 2 Action under Section 617.5 of SEQR Regulations and a Negative Declaration be prepared.. Seconded by Damon Newpher. Vote 4-0. Carried.

**MOTION:** Moved by Greg Cappelli to grant Architectural Design and Historic District approval of the proposed 435 square foot deck with painted wood railing to match the front porch at 20 Adams Street as presented in materials in VZP-2024-37 submitted by Judith Majury. Vote: 4 ayes, 1 abstain. Carried.

**DISCUSSION:** Nancy Rogan presented VZP-2024-41/42, 14–16 Washington Street, John Rounds, Special Use Permit, Architectural Design Review and historic District Review of

proposed new front covered porch, rear garage addition and demolition of 2 accessory buildings.

Greg Keyser advised that the questions came up including can the application be modified during the review process? It can if the function, size, and footprint do not change.

Aaron Tiller asked can we withdraw the front porch aspect from the application and resubmit the rear addition?

Nancy Rogan noted that the Planning Board has to follow the current zoning regulations. She documented concerns by reading from the Comprehensive Plan Section II-A, Section II C 4, Section II D.3, Section III- limited facade changes in the commercial district, Section V A.#5 regarding new buildings in harmony with neighboring buildings. From the Zoning Code she read Section 11 page 3- definition of preservation.. Section 11 page 4 exterior design and arrangement, #b relationship to design character, appropriateness and authenticity. Section 11 page 7-D 2: All buildings, structures and sites shall be recognized as products of their own time.

Greg Cappelli asked Is the proposal consistent with Section 11 Historic District Standards? Does it have historic value?

Nancy Rogan stated that authenticity is important. What is the Village going to look like if we continue. Looking at what is currently here and preservation of buildings we can protect the Historic District from more changes.

Damon Newpher noted that the previous photographs of this building do not show a porch.

Gerg Keyser advised that the Board has approved porches in the past.

Aaron Tiller noted that the porch at the winery on Monroe Street was approved.

Nancy Rogan stated that though the building is in the Historic District it is not an original historic building.

Mr. Keyser said it appears the Board is at a point of decision. Are you willing to modify the application?

Aaron Tiller suggested that the Board deny the front porch and approve the rear addition and demolition of the 2 accessory buildings.

Nancy Rogan said she would like a resolution in writing for the Board to vote on.

Greg Keyser advised that if denied the applicant can file a hardship case. The Board has 62 days to act on the application. If the applicant requests an extension beyond the 62 days the Board can grant it.

Aaron Tiller requested an extension to the 62 days deadline for acting on the application.

Nancy Rogan asked that the Village Attorney be at the October meeting. She noted that the application does not meet the hardship criteria.

Mr. Keyser read the criteria for hardship:

1. The property is incapable of earring a reasonable return, regardless of whether that return represents the most profitable return possible.

2. The property cannot be adopted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return.
3. Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

Blair Hamilton said he would like to see a written resolution for the Board to consider.

Mr. Keyser said he will write a draft resolution for the board to review at the October work session.

**MOTION:** Moved by Chad Neal to table VZP-2024-41/42, 14-16 Washington Street, Special Use Permit, Architectural Design and Historic District review of proposed front porch, rear garage addition and demolition of two accessory buildings pending review of a written resolution to deny the front porch and allow the rear addition and demolition of accessory buildings as requested by the applicant and the Planning Board. Seconded by Blair Hamilton. Vote 4-0. Carried.

**DISCUSSION:** Nancy Rogan presented VZP-2024-58, 38 Washington Street, Austin Baker, Special Use Permit for indoor entertainment with bar/food as an accessory use.

Greg Keyser presented his staff report on this Special Use Permit application to allow the establishment of an indoor golf simulator and sports lounge with a bar for 10 to 12 people and food service of prepackaged items. If the Board feels the application is complete a public hearing can be set for the October meeting.

**MOTION:** Moved by Damon Newpher to set a public hearing for VZP-2024-58, 38 Washington, Austin Baker, Special Use Permit for indoor entertainment with bar/food as an accessory use for October 8, 2024 at 5:30 p.m. Seconded by Greg Cappelli. Vote 4-0. Carried.

**DISCUSSION:** Nancy Rogan presented VSP-2024-10, 5 E. Washington Street, Ellicottville Bake Shop, sign permit application for a wall sign.

Greg Keyser presented his staff report on this application for a new 95.5' x 34' (13 s.f.) wall sign to be located on the upper left corner of the building facing Mill Street. The rectangular sign is constructed of a solid core aluminum panel with black letters on a white background. The sign is before the Planning Board because it does not meet Section 12-8-B 3: The structure on which the sign is mounted is setback at least 60 feet from the center of the road. The building is less than 60 feet from Mill Street. Section 12-8-B 5: Only one sign for each face of structure to which fastened is permitted. There are 4 other signs currently on the face of the building, one of which is for the Ellicottville Bake shop.

Mr. Keyser advised that he contacted Ellicott Development about another monument sign for the businesses. The one on the corner of Mill Street and Washington Street is not current. NYSDOT denied a second sign when requested by Ellicott Development.

Nancy Rogan asked if the 13 s.f. Sign is adequate?

Mr. Keyser said that the applicant thinks so.

Greg Cappelli said that one ground sign is permitted per the sign regulations.

Mr. Keyser said that the wall sign proposed is appropriate and will be placed on the facade above the law office sign.

Damon Newpher asked, does granting the sign permit open up any issues with other businesses regarding additional wall signs?

Greg Keyser said all signs would come to the Planning Board for review and approval.

Nancy Rogan stated that they need the sign because the business is in a location that is not visually seen.

Bo Sunshine, representing the applicant, advised that additional signage will identify the location for potential customers.

Greg Keyser noted that the Bake Shop depends on foot traffic.

**MOTION:** Moved by Damon Newpher to approve sign permit application for a 95.5" x 34" wall sign at 5 E. Washington Street as per materials submitted VSP-2024-10 by Ellicottville Bake Shop. Seconded by Chad Neal. Vote 4-0. Carried.

**DISCUSSION:** Nancy Rogan presented VSP-2024-11, 5 E. Washington Street, Ratchet Hatchet, sign permit application for a ground sign.

Greg Keyser presented his staff report on this application for a new 3' x 3' (9 s.f.) wood ground sign to be located 4 feet from the sidewalk on the East Washington Street side of the property. Per Section 123-8-B, Planning Board review is required for ground sign which do not meet the standards in Section 12-7-A # 3: The sign is set back at least 60 feet from the center of the road. This sign will be approximately 30 feet from the centerline of East Washington Street. #6: Only one ground sign per location is allowed. The Village Center has a ground sign at the corner of Mill Street and Washington Street. There are smaller signs at the entrance to the Plaza.

Nathan Woodruff, of Ratchet Hatched said the sign will be put out when the business is open and will be lighted with spot lights on the ground.

Greg Cappelli noted, you have two signs already. How will it help to have another?

Nathan Woodruff said neighbors and repeat customers have commented that they do not know where we are at the rear of the building. When coming from the north the directional wall sign is not visible. We need the advertising.

Damon Newpher asked can you move the directional sign to the front of the building?

Nancy Rogan suggested that he move the wall sign and add a gooseneck light to illuminate it.

Greg Cappelli said we should see what Ellicott Development will do to enhance signage on the property without NYSDOT approval.

Damon Newpher said the existing monument sign is not doing anything for any of the occupants.

Nancy Rogan asked can we approve the ground sign for a temporary period of time and locate a certain number offset from the sidewalk?

Greg Keyser said that 6 months would give Ellicott Development time to work on a new monument sign.

**MOTION:** Moved by Greg Cappelli to approve sign permit application for a 3' x 3' (9 s.f. Wood ground sign to be placed 3 feet from the sidewalk for a period of 6 months at 5 E. Washington Street as presented in materials in VSP-2024-11 submitted by Ratchet Hatched pending a long term solution for signage by Ellicott Development. Seconded by Damon Newpher.

**DISCUSSION:** Mr.Cappelli referred to the issue of sandwich boards. Is a traffic sign a sandwich board and should it come before the Planning Board.

Greg Keyser noted that sandwich boards can be approved by the Planning Board,

Greg Cappelli noted that they do not help businesses and in the th winter there is a snowplow issue and a safety issue with children climbing on them. We need a permanent solution.

The Village applied for a grant that would provide for pole signs listing business and eliminate the use of sandwich boards. However we did not receive the grant.

**MOTION:** Moved by Greg Cappelli to adjourn at 6:45 p.m. Seconded by Blair Hamilton. Vote 4-0. Carried.

Submitted by Donna Baldwin, Secretary