

VILLAGE OF ELLICOTTVILLE
PLANNING BOARD WORK SESSION MINUTES
JANUARY 2, 2024

PRESENT: Nancy Rogan, Chairperson
Chad Neal, Member
Damon Newpher, Member
Gregory Cappelli, Alternative Member

ALSO PRESENT: Gregory Keyser-Village Planner, Kelly Fredrickson-CEO, Aaron Tiller-Architect, Jeff Hayes-Applicant, Blair Hamilton-Resident

Nancy Rogan, Chairperson opened the meeting at 4:30 p.m. with four members present and presented the agenda for the January 9, 2024 meeting.

DISCUSSION: Greg Keyser presented VZP-2023-081, 23 Parkside Drive, John Dickinson, Amendment to the Architectural Design Approval off August 9, 2022. Upon inspection it was discovered that the single-family residence with an accessory apartment was not built to the approved plans. The roof lines were changed, stone pallets were not installed at the base of columns located in front of the garage, full stone panel siding was installed around the main entryway, a sign/decorative feature was installed on the front of the building. He noted that he reviewed the plans for other issues discussed including the basement and there were none. If the Board wants to see updated plans as well as the plans submitted he will provide them.

Nancy Rogan noted the concern that the house is rented as an airbnb and is occupied by more than the allowed number of people. The NYS Fire Code said that if you rent for 10 people or more the structure is considered a hotel/motel. It appears the owner is running a business in a residential structure.

Kelly Fredrickson advised that Mr. Dickinson has a short term rental license. A formal complaint must be filed before he can take any action.

Nancy Rogan asked if there is a number of people allowed under the license?

Mr. Fredrickson said yes but he did not know the number. He can check the license to see if it is 10 or 12 people.

Nancy Rogan noted that we need someone to visit houses to see how many people are allowed. License fees would need to be raised to cover the cost to monitor the numbers. We are becoming a community where people are buying houses to rent and not for full time residency.

Kelly Fredrickson noted that he cannot prove if the people in residence are owners or renters.

Greg Cappelli referred to the sign/decorative feature on the front of the house. Can we have it taken down if it is not legal?

Greg Keysor advised that the feature meets the criteria for a sign permit which they applied for.

Nancy Rogan stated that the complaint is a large sign on a house in a residential area.

Greg Cappelli said there was no sign in the original approved plans.

Mr. Keyser asked is it a sign or an architectural feature?

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Nancy Roan stated that the Planning Board has the discretion to review and approve signs. The architectural design changes are very different from the approved plan. Can the applicant reconstruct the house to the approved plan? We need the applicant present to discuss the issues.

Greg Keyser said he will ask John Dickinson to attend the January 9, 2024 Planning Board meeting.

DISCUSSION: Greg Keyser presented VZP-2023-274, 41 Mill Street (Lot 4A) Rick and Joan Graci, Special Use Permit and Site Plan Review of a single-family residence with apartment. He noted that the Planning Board may not be able to review this application until the application from Phil Vogt for an amendment to the 3 lot subdivision created in 2016 is addressed. The amended proposal is to allow single-family houses on individual lots. The utilities would probably be sufficient for the revision. The shared driveway could be relocated. Ben Slotman, Village Engineer does not know what will happen on the second lot (a single family house or a duplex).

Damon Newpher asked if there is a HOA that addresses snow storage and the shared driveway?

Aaron Tiller said a shared driveway agreement is in the process. People are interested in the second lot but don't want to commit until they know what is allowed.

Damon Nwpher asked, is the single-family house larger than the approved duplex?

Aaron Tiller said the proposed house is 3,200 square feet.

Nancy Rogan said she thought the duplex units were about 3,000 square feet.

Greg Keyser asked if there is enough information to grant an amendment to the subdivision?

Nancy Rogan said we need to know how the drainage works? Will Barton Loguidice review the engineering?

Aaron Tiller said the water and sewer lines are the same. We are changing the driveway, but the drainage flow will not change. The site plan shows the elevations and has all the information except for a single-family house on the other lot. The plat shows the contour lines.

Greg Cappelli said the lot was sold without the change to the original subdivision.

Nancy Rogan stated that Barton and Loguidice should look at the plan and make a recommendation if the Village Engineer doesn't have time to review the plan.

Greg Keyser noted that Ben Slotman does not want to do an engineering review if the Planning Board is not going to approve the amendment to the subdivision.

Nancy Rogan stated that in 2016 we approved a viable plan and now we have to revisit it because the owner sold a parcel as a single-family lot instead of for an approved duplex unit.

Aaron Tiller noted that the information was in the Notice of Decision but was not included as covenants when the deed was filed with the Cattaraugus County Clerk.

Greg Keyser advised that Mr. Vogt has the right to come back for an amendment to the approval.

Aaron Tiller said that Phil Vogt told him it is not profitable for him to build two more duplex units.

Nancy Rogan said it is wrong for people to manipulate the system and then come back with changes.

Greg Keyser asked if the Planning Board was ok with granting an amendment to the subdivision?

Nancy Rogan suggested that Planning Board members visit the site.

Aaron Tiller agreed to take the Board members on a site visit.

Nancy Rogan asked, do we table or deny because the proposed house does not meet the subdivision approval?

Greg Keyser suggested that the application be tabled and kept on the agenda as the Planning Board will be reviewing an application for an amendment to the subdivision from Phil Vogt.

DISCUSSION: Greg Keyser presented VZP-2022-230, 29 Elizabeth Street, Jeff Hayes, Architectural Design amendment to an approved project. The applicant is proposing changes to the approved project and is submitting revised drawings for architectural design review.

Jeff Hayes presented elevation drawings showing the approved plan and the proposed changes which include the addition of one transom window and the elimination of 2 transom windows that did not fit. The side porch which was part of the original house will be eliminated. The pitch of the roof and the change in height of approximately 12 inches to 18 inches to allow access for the new addition to the old addition. The connector section of the old house was in such structural disrepair we were given direction to remove and rebuild by a structural engineer who inspected the house. We are going to have to pour a concrete pad at the front of the house as the floor is rotted.

Nancy Rogan asked is the house salvageable or should it be demolished?

Greg Keyser said it is salvageable depending on how far the applicant wants to go and how much money he wants to spend.

Mr. Hayes said that he has no choice but to move forward at this stage of the project.

Greg Keyser said the Planning Board should review the proposed changes and determine if the revisions constitute a minor or major amendment to the approved plan. If the Board determines the request is a minor amendment, the changes can be approved at the January 9, 2024 meeting. If the Board determines the request is a major amendment, a new application should be submitted.

Jeff Hayes noted that he needs to get the roof on the house as inclement weather is predicted in the next week.

Greg Keyser advised that the proposed changes do not appear to be a major amendment and recommend the request be approved as a minor amendment as there are:

- No changes to the proposed landscaping as originally approved.
- The revisions do not change the proposed use of the property as originally presented.
- The revisions do not expand the footprint of the structure. Insead, the changes reduce the footprint of the building by removing a side porch from the original house and eliminating a deck that was in the original design.
- The changes do not affect the driveway, access, or parking.

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He noted that this is an official meeting and the Planning Board can act on the amendment now which would help Mr. Hayes with the weather issues.

MOTION: Moved by Chad Neal that the Planning Board finds that the proposed changes to the architectural design of the structure at 29 Elizabeth Street are minor and approves the amendment to the approved plans as submitted in materials dated 12/14/23 and 12/27/23 in VZP-2022-230 by Jeff Hayes. Seconded by Damon Newpher. Vote 3-0. Carried.

DISCUSSION: Greg Keyser presented VZP-2023-29, 16 Fillmore Avenue, Jamel & Josie Perkins, Site Plan and Architectural Design Review of proposed single family house with an accessory apartment above the garage. The Planning Board tabled the application pending review of the plans by Barton & Loguidice. He noted that Barton & Loguidice will provide comments for the January 9, 2024 meeting.

DISCUSSION: Greg Cappelli asked if there is any information on the 37 Washington Street project?

Greg Keyser said he has received revised plans which he is reviewing.

Nancy Rogan noted that the proposal does not meet the definition of a boutique hotel and the first floor needs to have commercial uses.

Greg Cappelli said there are a number of things they could submit that would work in the building.

DISCUSSION: Greg Keyser advised that the Village Board adopted a cannabis law and an application for a retail shop at 11 Martha Street has been received and will be on the next meeting agenda.

Nancy Rogan closed the meeting at 5:40 p.m.

Submitted by: Donna Baldwin, Secretary

