

VILLAGE OF ELLICOTTVILLE
PLANNING BOARD WORK SESSION MINUTES
AUGUST 1, 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 Fre, 8drickson-CEO,
Rich Rinko-Assistant CEO, John Burrell-Mayor, Aaron Tiller-
Architect, Sandy Reed-Cook-Applicant, Stephanie Adams-
Attorney, Blair Hamilton-Fillmore Drive

DISCUSSION: Nancy Rogan opened the meeting at 4:30 p..m. and presented the agenda for the August 8, 2023 meeting.

Greg Keyser advised that a public hearing is set for August 8, 2023 for VZP-2023-118, 39 Martha Street, Daniel Rifkin, Architectural Design and Site Plan Review of a proposed two story addition. No written or verbal comments have been received to date.

Mr. Keyser advised that a public hearing is set for August 8, 2023 for VZP-2023-132, 11 Greer Hill, John Gaughan, Special Use Permit and Landscape Design Review for proposed driveway and patio area. No written or verbal comments have been received to date.

Greg Keyser advised that a public hearing is set for August 8, 2023 for VZP-2023-246, 8 Holihilton Road, Janet Armstrong, Site Plan and Architectural Design Review of proposed residential addition. No written or verbal comments have been received to date.

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

Greg Keyser advised that the applicant is proposing to replace the existing 6' x 16' front porch with a new 6' x 28' porch that extends across the front of the house. The ZBA granted an area variance for the expansion of a non-conforming use. He will send public notification to the neighbors about the project. A public hearing is not required.

Aaron Tiller, representing the applicant presented the elevation drawings. .

DISCUSSION: Nancy Rogan presented VZP-2023-363, 7-9 Elk Street, Craig & Michelle.Winters, an application for a subdivision for a one lot split.

Greg Keyser advised that the process requires a letter of intent to subdivide from the applicants. The Planning Board then decides if this is a minor or major subdivision and the

application process continues. He has 62 days to put the letter of intent before the Planning Board.

Mr. Keyser stated that he talked to Richard Stanton, Village Attorney on the Zoning Code. Mr. Stanton is reviewing the zoning with regard to re-subdivision of an existing parcel and recording the lot change with the Cattaraugus County Clerk.

Nancy Rogan noted that the Zoning Code does not allow subdivision of lots in the Village Residential District.

Greg Keyser said that the definition of re-subdivision is different from no subdivision of lots. Mr. Stanton is looking to see if the original Joseph Ellicott plat map of parcels applies. The Planning Board will have to make a determination on which path to take. The Attorney for the applicants is present if the Board has any questions.

John Burrell, Mayor, advised that he has been in contact with the Conference of Mayors and the Village Attorney and it is his understanding that authority for the Planning Board comes from the Village Board. Local law does not give the Planning Board authority to subdivide property in the Village Residential District

Stephanie Adams, Attorney for Craig and Michelle Winters stated that she will debate authority with Mr. Stanton. However the property currently operated as two residential lots with two lot numbers (7 and 9). A dangerous precedent would not be set as the lots already function as two addresses and operate as pre-existing the zoning. Tax revenue to the Village will increase as two tax map parcels. The proposal is consistent with the character of the neighborhood.

Greg Keyser noted that the Planning Board must decide if this proposal is similar to a site plan and what the path forward will be.

John Burrell said that the property has two water/sewer accounts. He doesn't know if there are separate water and sewer lines to each unit.

Mr. Keyser advised that the Planning Board has to follow proper procedure in reviewing the letter of intent to subdivide.

DISCUSSION: Nancy Rogan presented VZP-2023-266, 2 Jefferson Street, Damon & Jolie Newpher, Architectural Design Review of proposed addition to the existing residential structure.

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

Greg Keyser stated that the Planning Board will be looking at Architectural Design Review and consistency to the Historic District Standards. If the Board feels it has a complete application a public hearing can be set for the September meeting.

DISCUSSION: Greg Keyser presented VZP-2023-249, 41 Washington Street, Scot Croce, proposed multi-use building with commercial space and apartments. He advised that the Village Board approved the encroachment of the front porch on the sidewalk.

Aaron Tiller, representing the applicant presented the revised elevation drawings showing the changes discussed previously. He is working with the Village Engineer on the plan for the utilities and other requirements.

Nancy Rogan asked can you provide the height of the surrounding buildings for comparison? Mr. Tiller agreed to provide the height of Mud Sweat & Gears, Madigans and Gin Mill.

Nancy Rogan asked will we see access through the alleyway?

Aaron Tiller said that Scot Croce is in conversation with Peter Kreinheder for an access agreement. Mr. Croce is also in conversation with surrounding businesses to share the cost of constructing a footbridge.

John Burrell noted that the previous bridge belonged to the Town who did not want to maintain it any longer. The Village gave them permission to demolish it.

Greg Cappelli said a footbridge would enhance the project.

Mr. Tiller said it would be in the Village right-of-way.

John Burrell stated that the Village does not own any bridges.

DISCUSSION: Mr. Keyser referred to 39 Martha Street, noting that the public hearing will be held on August 8 and the Planning Board will open and close it, then review the standards for approval. The Board needs to make a sound decision as people are pushing the envelope when submitting applications. The Village is built-out and applicants will be trying new things in order to build. The Board is following proper procedure.

Greg Cappelli noted that many applicants push the envelope and come back numerous times in order to get what they want. Are we allowing them to come back too many times?

John Burrell said it is not the Village's responsibility to get creative. However it is ok for an applicant to be creative. He cautioned the Board not to cost the Village money by being creative with applicants.

Greg Keyser advised that he will have a staff report for the August 8, 2023 meeting.

The meeting was closed at 5:10 p.m.

Submitted by Donna Baldwin, Secretary

