

**VILLAGE OF ELLICOTTVILLE  
PLANNING BOARD WORK SESSION MINUTES  
SEPTEMBER 5, 2023**

**PRESENT:** Nancy Rogan, Chairperson  
Sheila Burrell, Member  
Chad Neal, Member  
Damon Newpher, Member  
Gregory Cappelli, Alternate Member

**ALSO PRESENT:** Gregory Keyser-Village Planner, Kelly Fredrickson-CEO, Aaron Tiller-Architect, Nathan Woodruff-Applicant, John Lydon-Architect  
Thomas & Muffett George-Applicants,

Nancy Rogan, Chairperson opened the work session at 4:30 pm with five members present and presented the September 12, 2023 meeting agenda.

**DISCUSSION:** Nancy Rogan presented VZP-2023-266, 2 Jefferson Street, Damon & Jolie Newpher, Architectural Design Review and Historic District Review for a residential addition. The proposal includes an 8 foot by 12 foot front porch and a one story 18 foot by 14 foot rear addition. The Planning Board reviewed the application at the August 8, 2023 meeting and set a public hearing for September 12, 2023.

**DISCUSSION:** Nancy Rogan presented VZP-2023-270, 41 Elizabeth Street, John Caldiero, Architectural Design Review of a proposal to replace and expand an existing deck.

John Lydon, Architect, representing the applicant presented the plans to replace the existing front deck with a new deck that expands and runs along the side of the house. The deck floor and posts will be wood with horizontal rails made of black metal tubes. He presented a rendering of the front of the house showing the new deck.

Greg Keyser asked what is the length of the deck at the side of the house?  
Mr. Lydon said 19 feet.

Greg Cappelli asked if there is a roof over the side deck?  
John Lydon said no, but there is a roof over the front section at the entrance.

Nancy Rogan asked if he could provide a 3-D rendering of the structure showing the front and side with the deck so the Planning Board can see what the deck will look like?  
Mr. Lydon said that he usually submits elevation drawings for this type of project. 3-D renderings are very expensive for the applicant to provide.

Greg Cappelli noted that the black metal tube rails are not allowed per the zoning code so new renderings will need to be provided showing different rails.

John Lydon agreed to provide new drawings for the September 12, 2023 meeting.

**DISCUSSION:** Nancy Rogan presented VZP-2023-276, 5 East Washington Street, Ellicottville Bake Shop, Sign Permit application for a wall sign.

Greg Keyser presented the application for a new rectangular sign approximately 92 inches by 40 inches (24 square feet) which will be installed 13 feet above the main entrance. A drawing is submitted showing four colors (white, black, beige and green). He noted that the sign is before the Planning Board because it has more than three (3) colors and does not meet the criteria for only one sign face for each structure to which fastened is permitted. This is a multi-tenant commercial building with multiple signs already in place for other businesses. The Board members suggested that the applicant consider changing to three (3) colors.

**DISCUSSION:** Nancy Rogan presented VZP-2023-277, 5 East Washington Street, Tiveron Law, Sign Permit application for a wall sign.

Greg Keyser presented the application for a new rectangular wall sign which is approximately 96" x 48" (32 square feet) and will be installed 13 feet above the main entrance. The proposed colors are blue and white and a drawing is provided. The sign is before the Planning Board because it does not meet the criteria for only one sign face for each structure to which fastened is permitted. This is a multi-tenant commercial building with multiple signs already in place for other businesses.

**DISCUSSION:** Nancy Rogan presented VZP-2023-294, 5 East Washington Street, Ratchet Hatchet, Sign permit application for a wall sign.

Greg Keyser presented the application for a new rectangular wall sign which is approximately 96" x 48" (32 square feet) and will be on the upper left corner of the building facing East Washington Street. The sign is before the Planning Board because it contains more than three (3) colors. The proposed colors are black, white, green and red. The sign does not meet the criteria for only one sign face for each structure to which fastened is permitted. This is a multi-tenant commercial building with multiple signs already in place for other businesses. The applicant is also asking for approval of a temporary banner until the permanent sign is installed. The temporary banner will be the same colors, size and shape.

Nathan Woodruff noted that the sign will be hung on the rear facade of the building. He also asked if he can have a directional sign at the corner of the building indicating entrance and parking.

Chad Neal suggested a sandwich board.

Mr. Woodruff said he would rather have a permanent sign and agreed to provide a rendering for the September 12, 2023 meeting for the Planning Board to review. The temporary banner will be removed when the approved signage is installed.

**DISCUSSION:** Nancy Rogan presented VZP-2023-290, 74 Elizabeth Street, Site Plan and Architectural Design review of a new single family residence.

Greg Keyser advised that the Planning Board granted approvals for a single family dwelling on June 8, 2021. The approvals expired after one year because the applicant did not apply for a building permit. The applicant has indicated that the project has been modified.

Tom George presented the changes to the approved plan. The new structure will be 3,262 square feet. There will not be a bonus room over the attached garage and the windows on the west side will be smaller. The whole house will be 200 square feet smaller. The site plan did not change. The separate barn at the rear of the property is no longer proposed.

Greg Cappelli asked if the driveway runs along the side of the house?

Mr. George said the driveway is only in front. The garage access is from the alleyway at the rear of the property.

Mr. Cappelli asked what did the Village Board say about the use of the alleyway?

Nancy Rogan advised that the Village Board designated it as public space, but the Village will not maintain it.

Greg Keyser stated that we never got answers about the driveway through to the street.

Tom George said it doesn't matter if the alleyway goes through he will maintain it to access his garage.

Nancy Rogan asked if there should be signage for no public access?

Kelly Fredrickson said it is a public road and the Village cannot deny access. It is not readily visible so it will probably only be used by the neighbors.

Greg Keyser asked should I reach out to the Village Board?

Nancy Rogan noted that the Village Board has already said it is the residents responsibility to maintain the alleyway.

Mr. George said that he is comfortable in maintaining the alleyway with the surrounding neighbors for their use.

Mr. Keyser said that he will reaffirm the Village Board's intentions for the alleyway.

Tom George asked if a public hearing is necessary?

Nancy Rogan said yes as this is a new application for Site Plan and Architectural Design Review. The public hearing will be set for the October meeting.

**DISCUSSION:** Greg Keyser presented the draft of the proposed Zoning Code Amendment on Cannabis for review. The Village Board is asking for a recommendation from the Planning Board on the law. He asked board members to review the document before the September 12, 2023 meeting. The Village Board has passed a 4 month moratorium on cannabis establishments.

**DISCUSSION:** Nancy Rogan presented, 29 Elizabeth Street, Jeff Hayes, proposed renovations and addition to the existing house.

Kelly Fredrickson advised that the Architect did not have the figures for the original house height. The foundation had to be raised to meet the floodplain elevation. The roofline of the rear one story addition is higher than the existing house. The overall height of the house is less than 28 feet. The height at midpoint is 19.75 feet. There are no changes to the setbacks. A design with the new foundation height can be provided for the Planning Board to review.

Greg Keyser noted that the footprint does not change. There are no drainage issues. The higher foundation will cause the siding to be brought down to cover it.

Nancy Rogan asked that the application be added to the September 12, 2023 agenda for the Planning Board's review of the changes in the plan.

**DISCUSSION:** Greg Keyser advised that future applications before the Board will be: 23 Parkside Drive, substantial changes to the approved plan including signage for short term rental. Revised plans are being submitted for Planning Board review. Kelly Fredrickson noted that Mr. Dickinson has applied for a short term rental agreement.

10-12 McKinley Drive. Neighbors are complaining about the proposed duplex units claiming that the originally approved project was for single-family homes and the deed restrictions do not allow duplex units. Richard Stanton, Village Attorney, is reviewing the materials. Should the Planning Board look at deed restrictions during the review process? Aaron Tiller advised that deed restrictions are on file with Cattaraugus County.

**DISCUSSION** Aaron Tiller, advised that he will be at the October with revised drawings for 41 Washington Street and a single family dwelling with accessory apartment at 16 Fillmore Drive. He has been approached about the former Tom Scharf property (7 Valleys Subdivision) for a medium density development.

**DISCUSSION:** Greg Keyser referred to the approved 3 lot project by Phil Vogt at 41 Mill Street. One lot was developed with a duplex unit. The remaining 2 lots have been sold. An application for a single family dwelling on one of the lots has been received. The Planning Board will need to decide how to proceed. Are single-family dwellings allowed in an approved project for duplex units? Aaron Tiller suggested that the applicant may need to file an amendment to the approved plat. Greg Cappelli suggested that the Planning Board look at the new submission.

The meeting was closed at 5:55 p.m.

Submitted by Donna Baldwin, Secretary

