

**VILLAGE OF ELLICOTTVILLE  
ZONING BOARD OF APPEALS  
MEETING MINUTES MARCH 4, 2025**

**PRESENT:** Harry Weissman, Chairman  
Daniel Mergenhagen, Member  
Anne Northrup, Member  
Lisa Saunders, Member

**ALSO PRESENT:** Gregory Keyser-Village Planner, Kelly Fredrickson-CEO, Jacob Flitton-Haven Architecture, Kimberly Reading-Applicant

Mr. Harry Weissman, Chairman, called the meeting to order at 5:30 p.m. and presented the agenda with two appeals.

Mr. Greg Keyser presented his staff report on VZP-2025–05, 17 Van Buren Place, Kimberly Reading,, a request for an area variance from rear yard setback requirement to allow the construction of a new larger deck to replace an existing deck. The property is a single-family residence in the Medium Density District where the minimum rear yard setback is 25 feet. The proposed deck is 9 feet 4 inches from the rear property line for a variance of 15 feet 8 inches.

Mr. Jacob Flitton, representing the applicant presented the project to remove an existing non-conforming deck which is deteriorated and replace it with a new expanded 545 square foot deck.

Ms. Northrup noted that the property is in the Medium Density District which backs up the Low Density wetlands and prevents further expansion.

Mr. Weissman advised that the 2014 Zoning Map shows the wetlands as Medium Density not Low Density.

Mr. Keyser stated that the project meets the definition of a Type 2 Action under 617.5(c)(11) and 617.5(c)(17) involving the expansion of a single-family residence requiring an area variance. As a Type 2 Action, the project is not anticipated to have adverse impacts and no further review under SEQR is required. The ZBA should classify the project as a Type 2 Action before acting on the area variance request.

Mr. Keyser advised that Exterior modifications are subject to Architectural Design review in accordance with Section 10 of the Village Zoning Code. Planning Board approval is required because the proposed deck exceeds 300 square feet and does not meet setback requirements.

He suggested that the ZBA refer the application to the Village Planning Board for their opinion on Architectural Design approval prior to granting the area variance. If the Planning Board indicates it may not approve the project the ZBA may not want to grant a variance,

Mr. Keyser advised that if the ZBA feels they have enough information for a meaningful public review a public hearing can be set for the April meeting. The Planning Board should be able to give an opinion on the project by then.

**Moved by Ms. Northrup that the project meets the definition of a Type 2 Action under 617.5(c)(11) and 617.5(c)(17) involving the expansion of a single-family residence requiring an area variance. No further review under SEQR is required. Seconded by Ms. Saunders. Ayes all. Carried.**

**Moved by Ms. Saunders to set a public hearing for VZP-2025-05, 17 Van Buren Place, Kimberly Reading, area variance request to the rear yard setback requirement for April 1, 2025. Seconded by Ms. Northrup. Ayes all. Carried.**

Weissman presented VZP-2024-41, 41, 14 & 16 Washington Street, Heid Widger/ John Rounds, an appeal to a Historic District Commission decision.

Mr. Keyser advised that the John Rounds came before the Planning Board last year with renovations to the building including a second story covered balcony over the sidewalk and a garage addition at the rear of the building. The Planning Board worked with the applicant's architect on the project. However at the public hearing concerns were raised about compliance to the Historic District guidelines and the front balcony was denied but the garage addition was approved. The Planning Board is also the Historic District Commission.

Mr. Round is appealing to the ZBA under Section 11 Historic Preservation: An applicant aggrieved by the action of the Historic District Commission in disapproving an application may take an appeal to the Zoning Board of Appeals pursuant to Article 7 of the Village Law of the State of New York.

Mr. Keyser said he does not have the criteria for reviewing an appeal. The ZBA will want to review what the Planning Board did. I will provide you with the meeting minutes, application materials, and public hearing comments.

The Village Attorney, Richard Stanton is looking to see if the ZBA has the authority to review an appeal. He suggested that the ZBA table this application.

Ms. Widger asked if she should recuse herself from discussion and voting as the applicant is a distant relative?

Mr. Weissman said she should probably abstain from voting.

Mr. Keyser said he will check with Richard Stanton, Village Attorney on whether she should recuse herself from discussion and voting on this application.

Mr. Mergenhagen asked if the NYSDOT had to approve the balcony over the sidewalk?  
Mr. Fredrickson said that NYS does not want to get involved, except to say that the property owner has to abandon the property if the state comes back and asks that it be removed

Mr. Weissman noted that if the ZBA does not have authority we cannot act.  
Mr. Keyser advised that the applicant can file an Article 78 against the Planning Board.

**Moved by Mr. Mergenhagen to table VZP-2024-41/42, 14 & 16 Washington Street, Heidi Widger/John Rounds, appeal to Historic District Commission decision pending legal advice from the Village Attorney. Seconded by Ms. Saunders. Vote: Mr. Mergenhagen-aye, Ms. Saunders-aye, Mr. Weissman-aye. Ms. Northrup-abstain. Carried.**

The minutes of the January 7, 2025 meeting were read.

Ms. Northrup expressed concern voting on Minutes for a meeting she did not attend.  
Mr. Weissman stated that he felt the minutes accurately reflected the meeting.  
Mr. Mergenhagen agreed.

**Moved by Mr. Mergenhagen to approve the Minutes of the January 7, 2025 meeting as read. Seconded by Ms. Saunders. Vote: Mr. Mergenhagen-aye, Ms. Saunders-aye, Mr. Weissman-aye. Ms. Northrup-abstain. Carried.**

**Moved by Mr. Mergenhagen to adjourn. Seconded by Ms. Saunders. Ayes all. Carried.**

The meeting was adjourned at 6:00 p.m.