

**VILLAGE OF ELLICOTTVILLE  
PLANNING BOARD MEETING MINUTES  
DECEMBER 13, 2022**

**PRESENT:** Nancy Rogan, Chairperson  
Sheila Burrell, Member  
Sean Cornelius, Member  
Chad Neal, Member  
Damon Newpher, Member  
Greg Capelli, Alternate Member

**ALSO PRESENT:** Gregory Keyser- Village Planner, Kelly Fredrickson-CEO,  
Caleb Hennig- MDA Consulting Engineers, Elaine Northrup-  
Applicant, Michael Anderson-Abstract Architect

**AGENDA: VZP-2022-074 - 11 Madison Street-Elaine Northrup**

New single-family residence with accessory apartment  
Special Use Permit Public Hearing 12/13/2022  
Site Plan, Architectural Design & Historic Review

**VZP-2022-072 - 13 Elizabeth Street- Lisa Feinberg-Duckett**

New single-family residence  
Site Plan & Architectural Design Review

**VZP-2022-215 - 46 Martha Street- Scott Socha**

Window improvements-Architectural Design Review

**VZP-2022-240 - 12 Fillmore Avenue - Greg Navagh**

New single-family residence  
Site Plan & Architectural Design Review

**Zoning Map Amendment- 39 Mill Street - Mike Nicholson**

Referral from Village Board for Planing Board recommendation

**DISCUSSION:** Nancy Rogan, Chairperson called the meeting to order at 5:30 p.m. and opened the public hearing for VZP-2022-074, 11 Madison Street, Special Use Permit, Site Plan, Architectural Design and Historic District review of new single family residence with an accessory apartment. She 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.

**MOTION:** Moved by Sheila Burrell to close the public hearing for VZP-2022-074, 11 Madison Street, Special Use Permit, Site Plan, Architectural Design and Historic District review of a new single family dwelling. Seconded by Sean Cornelius. Vote 4-0. Carried.

Nancy Rogan opened the regular meeting with five memes and one alternate member present. She presented the agenda for changes, additions or approval. The agenda was approved as submitted.

The Minutes of the November 8, 2022 meeting were read.

**MOTION:** Moved by Chad Neal to approve the Minutes of November 8, 2022 as read. Seconded by Sheila Burrell. Vote 4-0. Carried.

**DISCUSSION:** Nancy Rogan presented VZP-2022-074, Elaine Northrup, 11 Madison Street, Special Use Permit, Site Plan, Architectural Design and Historic District review of a new single family dwelling with accessory apartment for discussion.

Caleb Henning, representing the applicant advised that he submitted the final design with a straight driveway as requested by the Planning Board. The original plan had a curved driveway in the front of the house which is not allowed in the Historic District. Landscaping is provided on the site plan.

Greg Keyser stated that the proposal meets the criteria for a Special Use Permit for the accessory apartment and Site Plan, Architectural Design and Historic District review. The project appears to meet the definition of a Type 2 action under 617.5(c)(11) of SEQR. No further review under SEQR is required. The Planning Board should move to classify the project as a Type 2 action before taking action on the application. Referral to Cattaraugus County Planning Board is not required.

**MOTION:** Moved by Chad Neal to classify the project involving the construction of a single family dwelling with accessory apartment as a Type 2 action under Part 617.5(c)(11) of SEQR. No further review under SEQR is required. Seconded by Sean Cornelius. Vote 4-0. Carried.

**MOTION:** Moved by Damon Newpher to approve the Special Use Permit, Site Plan, Architectural Design and Historic District compliance for the single family dwelling with accessory apartment at 11 Madison Street, as presented in application materials submitted in VZP-2022-074 from Elaine Northrup. Seconded by Chad Neal. Vote 4-0. Carried.

**DISCUSSION:** Nancy Rogan presented VZP-2022-072, 13 Elizabeth Street, Lisa Feinberg-Duckett, new residential dwelling for Site Plan and Architectural Review.

Michael Anderson, representing the applicant presented the site plan and elevation drawings for a new 2,608 s.f. single-family two story home. The windows are double hung as

requested. An accessory apartment is no longer being proposed. Grading will be done to bring the site 2 feet above the floodplain. There is a 20 foot water easement on the east side of the property and a 20 foot sewer easement on the west side of the property with a 5 foot wide public access overlay. We are working with the Ellicottville/Great Valley Trail committee on a trail easement.

Mr. Keyser said the easement will have to be in place before a Certificate of Occupancy can be issued. He noted that the property is located in the 100-year flood hazard area and will require an approved Floodplain Development Permit.

Greg Keyser advised that construction of a new single-family dwelling meets the definition of a Type 2 action under Section 617.5(c)(17) of SEQR. No further review under SEQR is required. The Planning Board should classify the project as a Type 2 action before acting on the Site Plan and Architectural Design review.

Referral to Cattaraugus County Planning Board is not required because construction of a new single-family dwelling is exempt from referral under Exhibit A, Item 11 of the Referral Exemptions agreement between the Village and County.

If the Board feels it has enough information a public hearing can be set for the January meeting.

**MOTION:** Moved by Sheila Burrell to set a public hearing for VZP-2022-072, 13 Elizabeth Street, Lisa Fienberg-Duckett, Site Plan and Architectural Design review of a new single family residence for January 10, 2023 at 5:30 p.m. Seconded by Damon Newpher. Vote 4-0. Carried.

**DISCUSSION:** Nancy Rogan presented VZP-2022-215, Scott Socha, 46 Martha Street, Architectural Design review to allow the installation of one new window and the replacement of existing windows.

Greg Keyser presented his staff report on the proposed window renovations to the existing structure including the installation of a new 72 inch by 36 inch casement window which will be installed at the rear side of the residence where visibility from Martha Street will be minimal. The replacement windows on the other facades will be double hung and match the original position, style and size.

The proposed window improvements appear to meet the definition of a Type 2 action under Section 617.5(1) of SEQR involving the maintenance, repair and/or remodeling of an existing structure. No further review under SEQR is required. The Board should classify the project as a Type 2 action.

No 239-m Referral to the Cattaraugus County Planning Board is required.

**MOTION:** Moved by Damon Newpher to classify the project involving the maintenance, repair and/or remodeling of windows in an existing structure as a Type 2 action under Section

617.5(1) of SEQR. No further review under SEQR is required. Seconded by Chad Neal. Vote 4-0. Carried.

**MOTION:** Moved by Chad Neal to approve the replacement of windows and installation of a new window at 46 Martha Street as reviewed under the Architectural Design Guidelines as per application materials submitted in VZP-2022-215 from Scott Socha. Seconded by Sean Cornelius. Vote 4-0. Carried.

**DISCUSSION:** Nancy Rogan presented VZP-2022-240, 12 Fillmore Avenue, Greg Navag, Site Plan and Architectural Design review of a new single-family dwelling.

Caleb Henning, representing the applicant presented Site Plan and Elevation drawings for the proposed 2,788 s.f. single-family dwelling. The siding will be 3" to 4" hardyboard with a brick veneer. Window will be double hung except for a 4' x 2' casement window in the upstairs bathroom. The roof will be asphalt shingles. A rain garden is proposed as part of the landscaping.

Damon Newpher noted that several houses on Fillmore have a fixed or casement window.

Nancy Rogan asked about the curb cut which needs to be 15 feet wide not 20 feet.

Mr. Henning said the driveway is 20 feet wide but he can reduce the width of the curb to 15 feet.

Greg Keyser advised that construction of a new single-family dwelling appears to meet the definition of a Type 2 action under Section 617.5(c)(17) of SEQR. No further review under SEQR is required. The Board should classify the project as a Type 2 action before acting on the application.

A referral to the Cattaraugus County Planning Board is not required as the project is exempt from referral under Exhibit A, Item 11 of the Referral Exemptions agreement between the Village and County.

If the Board feels it has enough information for a public review a public hearing can be set for the January meeting.

**MOTION:** Moved by Sheila Burrell to set a public hearing for VZP-2022-240, 12 Fillmore Avenue, Site Plan and Architectural Design review of a new single-family dwelling for January 10, 2023 at 5:30 p.m. Seconded by Chad Neal. Vote 4-0. Carried.

**DISCUSSION:** Nancy Rogan presented 39 Mill Street, Mike Nickolson, a concern regarding the zoning designation of his property as residential on the Village Zoning Map. Cattaraugus County designates at Commercial 1. He is requesting that it be rezoned. In 2001 he was granted approval to use the space for a retail business. The Village Board is asking for a recommendation from the Planning Board. She noted that this is probably an omission or error when doing the map. This has always been a commercial use property and it was our intention that it be zoned Commercial 2.

Greg Keyser said that Richard Stanton, Village Attorney is looking into the issue to make sure it is not spot zoning.

**MOTION:** Moved by Chad Neal that the Planning Board supports the Commercial 2 designation for 39 Mill Street as a recommendation to the Village Board. Seconded by Sheila Burrell. Vote 4-0. Carried.

**MOTION:** Moved by Sheila Burrell to adjourn at 6:05 p.m. Seconded by Chad Neal. Vote 4-0. Carried.

Submitted by Donna Baldwin, Secretary