

**VILLAGE OF ELLICOTTVILLE  
PLANNING BOARD MEETING MINUTES  
JULY 11, 2023**

**PRESENT:** Nancy Rogan, Chairperson  
Sheila Burrell, Member  
Damon Newpher, Member

**ALSO PRESENT:** Gregory Keyser-Villager Planner, Kelly Fredrickson-CEO  
Aaron Tiller-Architect, Caleb Henning-MDA Consulting Engineers,  
Jake Flitton-Haven Architecture, Daniel Rifkin-Applicant,  
Laura Rifkin, John Read-Applicant, Jerry Skubel, Dana John

**AGENDA: VZP-2023-192/193- 10/12 McKinley Drive- John Read**  
Site Plan & Architectural Design Review of 2 Unit Townhouse  
Public Hearing July 11, 2023

**VZP-2023-118-39 Madison Street-Daniel Rifkin**  
Site Plan & Architectural Design Review-2 story addition

**VZP-2023-132- 11 Greer Hill- Joh Gau\l**  
Special Use Permit & Landscape Design Review

**VZP-2023-246- 8 Holihilton Road-Janet Armstrong**  
Site Plan & Architectural Design Review- addition

**VZP-2023-249-41 Washington Street- Scot Crose**  
Pre-applicant conference-multi use structure

**DISCUSSION:** Nancy Rogan, Chairperson called the meeting to order at 5:30 p.m. with 3 members present. He opened the public hearing for VZP-2023-192/193, 10-12 McKinley Drive, John Read, Site Plan and Architectural Design review of a 2- unit townhouse.

Caleb Henning, representing the applicant presented the proposed plan for a two phase project to build two 2-unit townhouses on 4 lots. Phase one is to construct a two-unit townhouse on lots 10 & 12. We have changed the driveway to 5 percent grade with parking pads. Stairs will lead to the structures. The downhill side of the unit has limited visual view from the street below.

The owner proposed double-hung windows as per requested in the zoning. The Planning Board asked that he consider casement windows as in the other houses on the street. Nancy Rogan stated that the Board thought they wanted double-hung windows.

Mr. Henning advised that they are willing to change to casement to match the surrounding houses with confirmation from the Planning Board.

Nancy Rogan asked for questions or comments from the people attending.

Greg Keyser advised that he did not receive any written or verbal comments 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-2023-192/193, 10-12 McKinley Drive, John Read, Site Plan and Architectural Design Review of proposed two unit townhouse. Seconded by Damon Newpher. Vote 3-0. Carried.

Nancy Rogan opened the regular meeting and presented the agenda for changes, additions or approval. The agenda was approved as submitted.

The Minutes of the June 6, 2023 Planning Board Work Session were read. Corrections were made.

**MOTION:** Moved by Damon Newpher to approve the June 6, 2023 Planning Board Work Session Minutes as corrected. Seconded by Sheila Burrell. Vote 3-0. Carried.

The Minutes of the June 13, 2023 Planning Board Meeting were read.

**MOTION:** Moved by Damon Newpher to approve the Minutes of the June 13, 2023 Planning Board Meeting as read. Seconded by Sheila Burrell. Vote 3-0. Carried.

**DISCUSSION:** Nancy Rogan presented VZP-2023-192/193, 10-12 McKinley Drive, Site Plan and Architectural Design Review of proposed two-unit townhouse for discussion.

Caleb Henning presented the Site Plan and Elevation Drawings.

Greg Keyser advised that the architectural standards stipulate that the preferred window style is a double-hung window. However the Planning Board may approve other window styles on the side and rear of a structure where visibility from the street is minimal.

Planning Board members agreed to the use of casement windows as per elevation drawings submitted.

Greg Keyer stated that the Planning Board should classify the project as a Type 2 Action under SEQR, Involving the construction of a two-family structure on approved building lots before acting on the application for Site Plan and Architectural Design Review.

**MOTION:** Moved by Damon Newpher to classify the project as a Type 2 Action involving the construction of a two-family structure on approved building lots. No further review under SEQR is required. Seconded by Sheila Burrell. Vote 3-0. Carried.

**MOTION:** Moved by Sheila Burrell to grant Site Plan and Architectural Review approval for proposed two-family townhouse at 10-12 McKinley Drive as presented in VZP-2023-192/193 submitted by John Read. Seconded by Damon Newpher. Vote 3-0. Carried.

**DISCUSSION:** Nancy Rogan presented VZP-2023-118, 39 Martha Street, Daniel Rifkin, Site Plan and Architectural Design Review of proposed residential addition for discussion.

Greg Keyser noted that the application is on the agenda pending conversation and dialogue on the project. No new plans have been submitted.

Caleb Henning, representing the applicant stated that at the work session the Board advised that the primary issue was that with the proposed addition the house doesn't fit the size and scope of other houses in the neighborhood. We tried to present an argument that it does fit including the square footage of other houses in the neighborhood and Village over 5,000 square feet. We can ask the Planning Board to set a public hearing for the August meeting, but it appears that the application would not be approved.

Nancy Rogan advised that you can have a public hearing if the application is complete even if it is not approved. She noted that the Board feels the size is too large for the neighborhood. Mr. Henning said we understand that the Board feels it is too large, but do not have any guidance as to what would be approvable.

Mrs. Rogan referred to the map showing five houses in the area that are 5,000 plus square feet, but are not as large as what you're proposing. I thought you were going to make changes to the design. Our zoning code was written with the help of SHIPO and a consulting company that specialized in writing zoning codes.

Greg Keyser noted that standards for review under the Planning Board's authority include size, mass and scale of the house.

Daniel Rifkin said that determining the house is too large for the neighborhood should not be based on the opinion of one Board member.

Greg Keyser said that the majority of the setting Board members vote on the project.

Mr. Rifkin said that this is an old house and we need to add a second story to accommodate our four member family. We cannot make it smaller than 5,700 square feet, The proposed design creates a beautiful look to the house. I don't agree with the character issue. We had a home in East Aurora that we remodeled based on the zoning code. We tried to make this remodel appropriate to Village Zoning with double-hung windows and wrap-around porch. The porch is not imperative and we can change it.

Mr. Keyser said that size, mass and scale to the overall look of the street is the issue.

Dr. Rifkin said the front roof with dormer windows connects the addition to the existing roof line.

Damon Newpher stated that there are six houses in the quadrant that are 6,000 square feet. The proposed square footage of your house is double anything out there. We are trying to protect the village character. Whether it will increase or decrease property values it does not fit in the neighborhood.

Jake Flitton of Haven Architecture said we will be taking down the existing deck and the rear addition will not extend beyond that footprint.

Daniel Rifkin said the width of the house will be the same.

Mr. Flitton said the height of the house will remain as is. The front roof will expand to the width of the house. The bulk of the project is in the rear.

Dr. Rifkin said our house will not expand any further back than our neighbors houses.

Dana John noted that the balance of the house is good for the neighborhood and will look nice with the trees and landscaping.

Greg Keyser advised that concerns for the size, mass scale and architectural design have been raised. It doesn't appear it will be resolved here. The application is complete and a public hearing can be set for the August meeting.

Caleb Henning said he is not sure a public hearing should be set if the project is not approvable. He will leave the decision to the applicant.

Daniel Rifkin asked how do we get the information out that this is not a 8,000 square foot house as per rumors?

Mr. Keyser said the application materials are on the Village website for public review. A public hearing notice will be sent to neighbors and published in the local newspaper. We cannot control rumors. The public has a right to submit comments on the project. I would point out any misinformation.

Daniel Rifkin said we just want to update our house and want to submit the application as is for the record.

Mr. Keyser said this is the process. Either make revisions or set a public hearing on the application as submitted and move forward.

Caleb Henning asked if the application is denied can we resubmit a new plan as a new application?

Greg Keyser said yes.

Nancy Rogan asked for a motion to set a public hearing for the August meeting as per the applicant's wishes.

**MOTION:** Moved by Damon Newpher to set a public hearing for VZP-2023-118, 39 Martha Street, Daniel Rifkin, Site Plan and Architectural Design Review of proposed two story addition to the existing house for August 8, 2023 at 5:30 p.m. Seconded by Sheila Burrell. Vote 3-0. Carried.

**DISCUSSION:** Nancy Rogan presented VZP-2023-132, 11 Greer Hill, John Gaughan, Special Use Permit and Landscape Design Review for discussion.

Greg Keyser advised that the applicant is proposing a plan to use the existing vacant lot for an expanded driveway and accessory patio. The expanded driveway will allow easier access to the garage at 13 Greer Hill. The project site is on a 15,000 square foot lot in the Greer Hill Subdivision. The Special Use Permit authorizes a specific use for a piece of land.

If the Planning board feels it has enough information for a meaningful public review a public hearing can be set for the August meeting.

**MOTION:** Moved Damon Newpher to set a public hearing for VZP-2023-132, 11 Greer Hill, John Gaughan, Special Use Permit and Landscape Design Review for August 8, 2023 at 5:30 p.m. Seconded by Sheila Burrell. Vote 3-0. Carried.

**DISCUSSION:** Nancy Rogan presented VZP-2023-246, 8 Holihilton Road, Janet Armstrong, Site Plan and Architectural Design Review of an addition for discussion.

Gregory Keyser advised that the applicant is proposing to remove an existing attached shed and elevated deck and build a 580 square foot addition. Structures proposed for substantial improvement are subject to Site Plan Review in accordance with Section 6 of the Zoning Code. Substantial improvements include additions, the cost of which exceeds 50 percent of the current market value of the structure. The proposed addition increases the square footage of the structure by more than 25 percent.

Aaron Tiller, representing the applicant, presented the Site Plan and Elevation drawings and noted that the vertical siding will match the existing building. Casement and picture windows to match the existing building and subdivision are proposed.

Mr. Keyser advised that if the Planning Board feels it has enough information for a meaningful public review a public hearing can be set for the August meeting.

**MOTION:** Moved by Sheila Burrell to set a public hearing for VZ-2023-246, 8 Holihilton Road, Janet Armstrong, Site Plan and Architectural Design Review of a proposed addition to a residential structure for August 8, 2023 at 5:30 p.m. Seconded by Damon Newpher. Vote 3-0. Carried.

**DISCUSSION:** Nancy Rogan presented VZP-2023-249, 41 Washington Street, Scot Croce, pre-application conference for a multi use structure for discussion.

Aaron Tiller, representing the applicant presented Site Plan and Elevation Drawings of the proposed multi use building with commercial space and apartments. He noted that since the work session he has moved the building back so the porch is to the sidewalk but will not extend over the sidewalk. He made changes to the windows on the side and the pitch of the roof and added a deck at the rear. There is a step up to the front door and the first floor

apartment is raised one foot to meet the base floodplain elevation. The front of the first floor is for commercial spaces with one apartment in the rear corner. The second floor will have four apartments. The 8,765 square foot building is 32 feet 7 inches in height. Renters of the commercial spaces will have to apply for a Special Use Permit if required. The first floor apartment may be a short-term rental, but the others will be long term rentals.

A driveway is proposed off the alley if Peter Kreinheder does not agree to a right-of-way to the rear for parking.

Kelly Fredrickson noted that the Village has an agreement with Peter Kreinheder that makes the alleyway one-way. This will have to be revisited if changes need to be made.

Nancy Rogan asked if there is a possibility of a walking bridge over the creek?

Aaron Tiller advised that Mr. Croce is willing to work with the other businesses in the area with regard to building a walking bridge.

Mr. Tiller advised that he is working with Ben Slotman, Village Engineer on the water service and sewer hookup

Mr. Keyser noted that there is still work to do including a possible lot line adjustment that needs to go to the Village Board. i

Nancy Rogan advised that lot line adjustments are reviewed by the Planning Board who makes a recommendation to the Village Board.

Aaron Tiller stated that he has to go to the Village Board about the encroachment of the front porch.

Nancy Rogan noted that the proposed front porch is in the same footprint as the porch on the existing house.

Mr. Keyser stated that the Village Board does not want the porch to encroach on the NYSDOT right-of-way.

Board members agreed that they liked the concept of the project.

**DISCUSSION:** Nancy Rogan advised that Sean Cornelius is resigning from the Planning Board as of the August 8, 2023 meeting. Greg Cappelli, Alternate member will fill the vacancy until the Village Board appoints a new member.

**MOTION:** Moved by Damon Newpher to adjourn at 6:35 p.m. Seconded by Sheila Burrell. Vote 3-0. Carried.

Submitted by: Donna Baldwin, Secretary