

**VILLAGE OF ELLICOTTVILLE
ZONING BOARD OF APPEALS
MEETING MINUTES DECEMBER 6, 2022**

PRESENT: Fred Musolff, Chairman
Mike Painter, Member
Harry Weissman, Member

ALSO PRESENT: Gregory Keyser-Village Planner, Kelly Fredrickson- CEO,
Aaron Tiller-Architect, Steve Young-Applicant

A. Fred Musolff, Chairman called the meeting to order at 5:40 p.m. He presented the agenda for changes, additions or approval. The agenda was approved as submitted.

The Minutes of the November 1, 2022 meeting were read.

**Moved by Mr. Weissman to approve the Minutes of November 1, 2022 as read.
Seconded by Mr. Painter. Ayes all. Carried.**

Mr. Aaron Tiller, representing the applicant presented the proposal to demolish the existing garage and construct a new garage at the rear of the lot. The existing east side yard setback is 2.4 feet and we are proposing it be 4.5 feet. The proposed rear yard setback will be 5 feet. The location of the new garage will allow for a 5 foot setback on all sides and will line up with the existing driveway. He presented the site plan drawings for the board to review.

Mr. Keyser advised that the area variances are to allow the construction of a 26'x 34' (884 sq. ft.) garage less than the minimum setback from the east and rear property lines. The required setback to the east side yard is 15.0 feet, proposed is 2.4 feet for a variance of 12.6 feet. The required setback to the rear yard is 10 feet, proposed is 5 feet for a variance of 5 feet. The property is approximately 0.3 acres and is located in the Medium Density Residential District.

The project does not exceed any Type 1 thresholds under 617.4 of SEQR and meets the definition of a Type 2 action under 617.5(12) involving construction of an accessory structure. As a Type 2 action the project is not expected to have any significant adverse environmental impacts and no further review under SEQR is required.

Referral to the Cattaraugus County Planning Board for review is not required.

If the Board feels it has enough information for a meaningful public review and public hearing can be set for the January meeting. The Board should also act on the SEQR determination.

Mr. Weissman asked if the site was out of the Flood Plain?

Mr. Tiller said yes.

Moved by Mr. Weissman to classify the application as a Type 2 SEQR action under 617.5(12) involving the request for area variances to allow the constitution of a minor accessory structure less than the minimum required distance from the side and rear property lines. No further review under SEQR is required. Seconded by Mr. Painter. Ayes all. Carried.

Moved by Mr. Painter to set a public hearing for VZP-2022-219, 20 Rockwell Avenue, area variance requests to side and rear yard setback requirements for January 3, 2023 at 5:30 p.m. Seconded by Mr. Weissman. Ayes all. Carried.

Mr. Keyser noted that the project will require Architectural Design Review by the Village Planning Board and if the ZBA acts at the January 3, 2022 meeting the application can be on the Planning Board agenda for January 10, 2022.

Moved by Mr. Painter to adjourn. Seconded by Mr. Weissman. Ayes all. Carried.

The meeting was adjourned at 5:55 pm.