

**VILLAGE OF ELLICOTTVILLE
ZONING BOARD OF APPEALS
MEETING MINUTES, JANUARY 6, 2026**

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

ALSO PRESENT: Gregory Keyser-Village Planner, Kelly Fredrickson-CEO, Aaron Tiller-Architect, John Hushen-Applicant, Jenna Thomas -Abstract Architecture

Mr. Harry Weissman, Chairman, called the meeting to order at 5:30 p.m. with a quorum present and presented the agenda with two area variance applications.

Mr. Weissman presented VZP-2025-73, 21 Rockwell Avenue, John Hushen, area variance requests to front yard and side yard setbacks.

Mr. Aaron Tiller, representing the applicant presented the proposal to demolish the existing residence and two accessory structures and construct a new single-family detached dwelling. In order to have the new structure in line with the other houses on the street a variance of 21 feet to the 35 foot front yard setback is required for a 14 foot setback. At least 20 feet of the front yard shall remain open space. The proposed building is 14 feet from the front property line requiring a variance of 6 feet. The side yard setback requirement from any structure is 15 feet. The proposed building is 13.65 feet from the east property line for a 1.35 foot variance.

Ms. Northrup asked about the parcel being in the floodplain?

Mr. Tiller said the ground will be elevated to take it out of the floodplain. He will apply to FEMA for the necessary permits. The applicant wants a basement without living space.

Mr. Weissman asked if the railroad right-of-way is out of the floodplain?

Mr. Fredrickson said that we need a survey to show the existing elevation. How much does the lot have to be raised to get out of the floodplain? How much fill? Will the neighbor's property be lower? Will there be water run off issues?

Ms. Northrup noted the concrete pad close to the lot line.

Mr. Weissman said it could have a negative impact on the neighbor.

Mr. Tiller advised that the patio is close to the lot line, but that the neighbor is a relative of Mr. Hushen.

Mr. Keyser advised that the project meets the definition of a Type 2 Action under 617.5(c)(2), 617.5(c)(11) and 617.5(c)(17) involving the replacement of an existing residence with a new single-family residence requiring area variances. As a Type 2 Action, the project is not expected to have any significant adverse impacts, and no further environmental review is

required. The ZBA should classify the project as a Type 2 Action before acting on the variance requests.

If the ZBA feels it has enough information for a meaningful public review a public hearing can be set for the February meeting.

Mr. Keyser noted that the project will require Site Plan and Architectural Design review by the Village Planning Board. The ZBA may want to request an advisory opinion from the Planning Board on the project before taking action on the variance requests.

Moved by Mr. Weissman to classify the project as a Type 2 Action under 617.5(c)(2), 617.5(c)(11) and 617.5(c)(17) involving the replacement of an existing residence with a new single-family residence requiring area variances. No further review under SEQR is required. Seconded by Mr. Mergenhagen. Ayes all. Carried.

Moved by Mr. Weissman to set a public hearing for VZP-2025-73, 21 Rockwell Avenue, John Hushen, area variance requests to front yard and side yard setbacks for February 3, 2026 at 5:30 p.m. Seconded by Ms. Northrup. Ayes all. Carried.

Mr. Keyser noted that the ZBA should move to include an advisory opinion from the Planning Board with regard to site plan and architectural design.

Moved by Mr. Weissman to amend the motion for the public hearing to include requesting an advisory opinion from the Village Planning Board on the project. Seconded by Mr. Mergenhagen. Ayes all. Carried.

Mr. Weissman presented VZP-2025-74, 39 Martha Street, Daniel Rifkin, area variance requests to the front yard setback.

Ms. Jenna Thomas, of Abstract Architecture, representing the applicant presented the proposal to renovate the existing single-family residence including the construction of multiple additions to the first, second and attic floors, as well as a new concrete patio at the front of the residence and new wood deck at the rear. The second story addition will require a variance in order to be in line with the existing second story of the house. The front yard setback for main buildings is 25 feet. The front second floor addition will be 23.4 feet from the front property line for a 1.6 foot variance. The proposed front covered patio will be 15.8 feet from the front property line for a 9.2 foot variance. We are trying to maintain the historic integrity of the house.

Mr. Keyser stated that the existing front porch extends further into the front yard setback than the proposed covered patio.

Mr. Keyser noted that in August 2023 the ZBA granted variances for a proposed renovation and addition to the structure but the Planning Board did not approve the project at Site Plan and Architectural Design review.

Ms. Northrup asked if there will be issues with the neighbors?

Mr. Weissman advised that the neighbors can comment at the public hearing.

Ms. Saunders asked about the height and square footage of the attic space. When is an attic considered a third floor?

Mr. Keyser noted that FAR (floor area ratio) is no longer in the zoning requirements.

Mr. Fredrickson advised that 6.8 feet height is considered a third floor.

Mr. Keyser said the applicant may need to provide more information. The project will require Architectural Design Review by the Village Planning Board. You may want an advisory opinion from the Planning Board.

Mr. Keyser advised that the project meets the definition of a Type 2 Action under 617.5(c)(11) and 617.5(c)(17) considering the expansion of a single-family residence and granting of an area variance. As a Type 2 Action the project is not expected to have any significant environmental impacts and is not subject to further review under SEQR. The ZBA should classify the project as a Type 2 Action before acting on the variance requests. If the ZBA feels it has enough information for a meaningful public review a public hearing can be set for the February meeting.

Moved by Mr. Weissman to classify the project as a Type 2 Action under 617.5(c)(11) and 617.5(c)(17) involving the expansion of a single-family residence and granting of an area variance. No further review under SEQR is required. Seconded by Ms. Northrup. Ayes all. Carried.

Moved by Mr. Mergenhagen to set a public hearing for VZP-2025-74, 39 Martha street, Daniel Rifkin, area variance requests to the front yard setback requirement for February 3, 2026 at 5:30 p.m. and to request an advisory opinion on the project from the Village Planning Board. Seconded by Ms. Saunders. Ayes all.

The Minutes of the September 2, 2025 meeting were read.

Moved by M. Northrup to approve the Minutes of September 2, 2025 as read. Seconded by Mr. Weissman. Ayes all. Carried.

Mr. Keyser advised that a website training session is available on Monday, January 12, 2026 for ZBA members.

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

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

