

**VILLAGE OF ELLICOTTVILLE
ZONING BOARD OF APPEALS
MEETING MINUTES MARCH 3, 2026**

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

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

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

Moved by Mr. Mergenhagen to open the public hearing for VZP-2025-73, 21 Rockwell Avenue, John Hushen, area variance requests. Seconded by Ms. Northrup. Ayes all. Carried.

Mr. Keyser presented the proposal to demolish an existing residence and two accessory structures and construct a new single-family detached dwelling. Variances requested are:

1. Section 3A.4.C.3.a- SideYard - required 15 feet, proposed 13.65 feet from the east property line for a 1.35 foot variance.
2. Section 3A.4.C.4- Front Yard- required 35 feet, proposed 14 feet from the front property line for a 21 foot variance.
3. Section 3A.4.C.4- Front Yard-requirement 20 feet shall remain open space, proposed 14 feet-from the front property line for a 6 foot variance.

Mr. Weissman asked for questions or comments from the people attending.

Mr. Keyser advised that no verbal or written questions or comments were received in response to the public hearing notice which was published in accordance with local law..

Mr. Weissman noted that the purchase of adjoining property to the west has been completed and filed. He presented the new survey map.

Moved by Ms. Saunders to close the public hearing for VZP-2025-73, 21 Rockwell Avenue, John Hushen area variance requests. Seconded by Ms. Northrup. Ayes all. Carried.

Mr. Weissman advised that the Board classified the project as a Type 2 Action at the January 6, 2026 meeting. Are we ready to act on the variance requests?

Moved by Mr. Mergenhagen to grant the variances to the side yard setback of 1.35 feet, front yard setback of 21 feet and front yard open space setback of 6 feet at 21 Rockwell Avenue as per materials in VZP-2025-73 submitted by John Hushen. Seconded by Ms. Northrup. Ayes all. Carried.

Mr. Weissman presented VZP-2026-08, 41 Monroe Street, Ron Divers, area variance requests.

Mr. Keyser presented his staff report on the request for approval to renovate a two story single family house with a two story addition and wrap around porch. The variances requested are:

1. Section 3A.2.C.2-Side Yard- Required minimum side yard for any structure is 10 feet. The proposed porch is 9.4 feet from the north side property line for a variance of 0.6 feet or 6% relief from the minimum requirement.
2. Section 3A.2.C.2-Side Yard- Required the total side yard for any structure is 30 feet. The total yard with the proposed porch is 21.6 feet for a 9.4 foot variance or 31% relief from the minimum requirement. The existing side yard total is non-conforming at 23.4 feet.
3. Section 3A.C.4- Front Yard-Required minimum depth of the front yard for all main buildings is 25 feet. The front yard with the proposed porch is 12.8 feet for a 12.2 foot variance or 49% relief from the minimum requirement.

The project meets the criteria for a Type 2 Action under 617.5(c)(11) and 617.5(c)(17), as it involves area variances for a single-family home expansion. Because Type 2 Actions are pre-determined to have no significant adverse environmental impacts, no further SEQR review is required. The Board should classify the project as a Type 2 Action before acting on the application.

The project site is situated within 500 feet of US Route 219 (Jefferson Street), requiring a mandatory review under General Municipal Law 239-M. Because the planned footprint expansion is greater than 10% of the existing building footprint a formal referral to the Cattaraugus County Planning Board is required.

If the Zoning Board of Appeals feels it has a complete application a public hearing can be set for the April meeting.

Mr. Aaron Tiller, representing the applicant presented the site plan and elevation drawings for the proposed renovations to the existing 2 story dwelling including a new 16' by 20' two story addition and wraparound porch.

Ms. Northrup asked if the height will change?

Mr. Tiller said it will be 24 feet high. The rear addition will match the existing height of the house.

Mr. Weissman asked Mr. Keyser to talk about the update to the Comprehensive Plan and Zoning Code.

Mr. Keyser advised that the Village Board is empowering a committee to review and update the Comprehensive Plan and Zoning Code as it is not functioning as it should as most lots are non-conforming and require variances for property owners to do any additions or changes.

Mr. Weissman noted that if there are a lot of requests for variances there is a need to review and revise the Zoning Code.

Ms. Northrup asked is the property in the floodplain?

Mr. Fredrickson said no.

Mr. Weissman suggested we ask for an advisory opinion from the Village Planning Board on the Architectural Design review.

Mr. Keyser said that if the ZBA feels the application is complete it can set a public hearing for the April meeting. He will put this project on the Village Planning Board's March 10, 2026 meeting agenda.

Moved by Ms. Northrup to classify the project as a Type 2 Action under 617.5(c)(11) and 617.5(c)(17) involving area variances for a single-family home expansion, to send it to the Village Planning Board for an advisory opinion on the Architectural Design Review, to refer it to the Cattaraugus County Planning for review and set a public hearing for April 7, 2026 at 5:30 p.m. Seconded by Mr. Weissman Ayes all. Carried.

The Minutes of the February 3, 2026 meeting were read.

Moved by Mr. Mergenhagen to approve the Minutes of the February 3, 2026 meeting as read. Seconded by Ms. Saunders. Ayes- Mr. Mergenhagen, Ms. Northrup, Ms. Saunders, Mr. Weissman. Abstain-Mr. Painter. Carried.

Moved by Ms. Northrup to adjourn. Seconded by Ms. Saunders. Ayes all. Carried.

The Meeting was adjourned at 5:50 p.m.