

**VILLAGE OF SPRINGVILLE**  
**PLANNING BOARD MINUTES**

February 25, 2025

7:00 P.M.

A meeting of the Planning Board of the Village of Springville was held at the Village Municipal Building, 65 Franklin St. Springville, New York at the above date and time. Present were:

Chairman:	Bob Muhlbauer
Members:	Barb Lipka (absent)
	Tim Shriver
	Greg Keyser
	Devin Kowalske
Building Inspector/ CEO:	John Baker
Clerk:	Julie Nunweiler

After the Pledge to Allegiance, Chairman Muhlbauer called the meeting to order at 7:06 pm.

With there being no public hearings on the agenda this evening Chairman Muhlbauer asked CEO/Building inspector John Baker if there was anything he knew of that will be coming before the planning board.

Mr. Baker stated that he had a discussion with JP Nabozny about the new sign put on the front of his barbershop at 271 W. Main St. and was told he did not realize he needed a separate permit for the sign and thought it was included in the renovation permit. He did come right in for a sign permit and was told because he is in the retail overlay district he may need to come before the planning board again.

Member Greg Keysor and Chairman Muhlbauer said they do not remember having a special meeting for a sign if it meets the size requirements. CEO Baker said he will let Mr. Nabozny know he will not have to have attend the next meeting.

CEO Baker informed the board that a U-Dig and a core sample were ordered for the lot on S. Cascade near Mavis Tire where a Wendys will be going up and that the old Pizza Hut will be torn down and that an A&W Restaurant will be built so the board should expect to see those on the agenda in the near future for SEQR reviews.

CEO Baker also informed the board that the purchaser of the Dygert Farm is requesting a public hearing with the Village Board now to ask them to reject the Planning Boards decision about the rezoning of the property.

Chairman Muhlbauer passed out a sheet with current definitions of our codes for both Home Occupation and Professional Office to review and all agreed that updates need to be made. Member Greg Keysor passed out a sheet with what the codes are for both the Village and Town of Ellicottville for comparison. CEO Baker said that he would check with Paul Weiss the Village's attorney about how to go about making the updates and mentioned looking into codes for dispensaries and Airbnbs.

Next, Chairman Muhlbauer asked for a motion to approve the minutes from the December 23, 2024, meeting. Member Devin Kowalske made the motion, seconded by Tim Shriver. All in favor none opposed.

With nothing else to discuss this evening, Chairman Muhlbauer asked for a motion to adjourn the meeting at 8:12 pm. Member Greg Keyser made the motion, seconded by member Tim Shriver.

Respectfully Submitted,



Julie Nunweiler

**HOME OCCUPATION** definition in our code

Any gainful occupation customarily conducted within a dwelling by the residents thereof that is clearly secondary to the residential use and that does not change the character of a structure as a residence. "Home occupations" shall not be construed to include such uses as the following: clinic or hospital, convalescent home, barbershop, beauty parlor, restaurant, dog kennel, antique dealer, mortuary establishments, garages or shops for the repair of motor vehicles, retail businesses and trades or businesses of any kind not herein excepted.

take out and change to simple definition

A home occupation is a small, in-home business, run by the homeowner, that does not adversely change or affect the residential character of the surrounding area.

Small scale services are limited to one customer/client at any one time. No more than one non-resident shall be employed.

**HOME PROFESSIONAL OFFICE** definition in our code

The office or studio of a resident physician, surgeon, dentist or other person licensed by the State of New York to practice a healing art, lawyer, architect, artist, engineer, real estate broker or salesman, insurance broker or agent or teacher as herein restricted. For the purposes of this definition, a "teacher" shall be restricted to a person giving individual instruction in academic or scientific subjects to a single pupil at a time. A "home professional office" shall not include the office of any person professionally engaged in the purchase or sale of goods produced or stored on the premises. Dancing instructions, band instrument or piano or voice instructions, tea rooms, tourist homes, beauty parlors, barbershops, hairdressing and manicuring establishments, convalescent homes, mortuary establishments, veterinary or veterinary hospital and stores, trades or businesses of any kind not herein excepted shall not be deemed to be "home professional offices." The "home professional office" of a physician shall not include a biological or other medical testing laboratory.

Change to

**HOME PROFESSIONAL OFFICE**

The office or studio of a resident licensed by the State of New York to practice a healing art, or an occupation such as lawyer, architect, artist, engineer, real estate broker, or insurance agent.

The "home professional office" of a physician shall not include a biological or other medical testing laboratory.

but not limited to.

§ 200-77 Home occupations and home professional offices. [Added 12-1-1997 by L.L. No. 6-1997]A.

A home occupation or home professional office must be conducted within a dwelling which is the bona fide residence of the principal practitioner. Such home occupation or home professional office may occupy up to 30% of the gross floor area of the residence to be used for the conduct of the home occupation or home professional office. Do we need 30%

B.

The exterior appearance of the residential structure shall not be altered nor shall the occupation or office use within the residence be conducted in such a manner that would cause the premises to differ from its residential character, either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noises or vibrations.

C.

No outdoor display of goods or outside storage of equipment or materials used in the home occupation or professional offices shall be permitted.

D.

Each home occupation or professional office may be allowed to have one sign indicating the name and address of the occupant or permitted home occupation or professional office. Said sign shall be in conformance with Article VIII of this chapter.

E.

Home occupations and professional offices shall provide three hardtop parking spaces in accordance with Chapter A205, Parking Lots, of the Village Code for client use, in addition to the off-street parking spaces required for the dwelling. Maybe say adequate parking for residents and clients

~~F.~~

Home-operated physician or dentist offices shall provide five hardtop parking spaces for client use, plus one parking space for each nonresident employee in accordance with Chapter A205, Parking Lots, of the Village Code, in addition to the off-street parking spaces required for the dwelling. Take this out

G.

The Planning Board shall review and approve the amount and location of landscaping and buffer screening to be provided to limit the potential impact of such uses on adjacent properties.

H.

No more than one home occupation or home professional use shall be permitted for each residential property.

building and the lowest point on the corresponding eve.

- d) For other roof shapes, such as domed or vaulted shapes, height shall be measured to the highest point of the roof.

In no case shall a mansard roof or the parapet wall of a flat roof extend more than 18" above the deck line or maximum height, whichever is lower.

**Highway, Limited Access:** See "Road System Classification."

**Historic Resource:** Any historic building, structure, facility, site or district, or prehistoric site that is listed on the State and/or National Registers of Historic Places. Any historic building, structure, facility, site or district, or prehistoric site that has been proposed by the New York Board on Historic Preservation for a recommendation to the State Historic Preservation Officer for nomination for inclusion in the National Register of Historic Places. Any locally significant historic resource designated pursuant to Article 5-K of the New York State General Municipal Law.

**Home Occupation:** Any land use activity undertaken for gain (regardless of whether or not a profit is made) within a dwelling unit, or within a structure that is accessory to the dwelling unit and on the same lot, by the resident or residents thereof. A home occupation is an accessory use, and shall be clearly incidental and secondary to the use of the property as a residence. See Article 12.

**Home Retail and Service Trade Establishment:** An accessory use to the residential use of a property, involving retail sales or product servicing, conducted on the premises by the residents thereof, having not more than one paid employee, which is clearly secondary to the use of the building for living purposes and does not change the character of the neighborhood. The use may be conducted in the residence or in an accessory building. Full line grocery stores, whether local or chain are specifically excluded, but specialty grocery products, natural foods, and farm products may be sold. Sales and service of vehicles that require state registration and boats are specifically prohibited. Adult uses, including but not limited to, adult book stores, adult video stores, adult entertainment cabarets, adult theaters, peep shows, massage establishments, adult motels or hotels, body painting studios or adult model studios are specifically excluded from the definition of Home Retail and Service Trade Establishment.

**Host:** An owner of a dwelling unit who rents their residence for transient occupancy.

**Host Community Agreement:** An agreement between an applicant for a Utility Scale Wind Energy Conversion System and the Town of Ellicottville, similar to a PILOT (Payment in Lieu of Taxes) agreement. Such Agreement shall identify the special costs to the Town of hosting a Utility Scale Wind Energy Conversion System and providing a means by which the Project Proponent will provide periodic payments for such costs.

**Hosting platform:** A business or person that provides a means through which a host may offer a dwelling unit, or portion thereof, for home-sharing. A hosting platform is usually, though not necessarily, provided through an internet-based platform. It generally allows a property owner or tenant to advertise the dwelling unit through a website provided by the hosting platform and

minimum of four feet in height, up to six feet in height, and be substantially light-tight or solid. A wall of similar height may be substituted.

- (8) When tree removal is occasioned by any development or land use or change thereof requiring a site plan, Special Use Permit, Master Planned Development and/or variance, the approval thereof shall constitute approval to remove, cut down, kill or otherwise destroy the trees other than those designated to be preserved.

#### **D. Fencing**

- (1) A fence or wall in a GC or I zoning district shall not exceed six (6) feet in height, except where it abuts a nonresidential district, in which event it shall not exceed eight (8) feet in height.
- (2) All fences shall be maintained to be structurally sound and aesthetically pleasing.

### **Section 12.7 Home Occupations**

Where permitted in Article 3 of this Code, a home occupation shall conform to all the requirements of this section, and any other applicable regulations of this Law. Activities that conform to the requirements for Minor Home Occupations shall be allowed by right (permitted use). All other activities shall be considered to be Major Home Occupations and shall require the issuance of a Special Use Permit by the Planning Board in accordance with the procedures contained in this Law, prior to commencing operation as a Major Home Occupation.

#### **A. General Standards**

All Home Occupations, whether Major or Minor, shall conform to the following standards:

- (1) The home occupation is clearly incidental and accessory to the use of the building as a dwelling unit, does not change the character of the dwelling unit, and does not have any exterior evidence of such use, except for one Nameplate sign.
- (2) A home occupation may be conducted in the residence, or in an accessory structure or garage.
- (3) There is no outdoor storage or display of material or equipment.
- (4) The home occupation shall not generate electrical interference, dust, noise, odors, smoke or traffic that disturbs the peace, quiet, and enjoyment of the neighborhood in which it is located.
- (5) Customer/client visits to the home occupation shall be limited to the hours from 9 a.m. to 8 p.m.

- (6) There shall be no retail sale of merchandise. (However, such sales may be approved as a Home Retail and Service Trade establishment).
- (7) All parking for customers of the home occupation shall be accommodated on-site, in addition to the required parking spaces for the residential use of the property.
- (8) Delivery vehicles used to deliver goods to a home occupation are limited to passenger vehicles, United States Postal Service mail carriers, and express carriers such as UPS or FedEx. Deliveries shall be permitted between 8 a.m. and 7 p.m.

**B. Minor Home Occupations**

- (1) In addition to the General Standards, above, a Minor Home occupation shall conform to all of the following requirements:
  - a. There are no on-premise employees, other than the residents of the dwelling unit in which the home occupation is located.
  - b. The home occupation shall not generate more than 5 customer/client visits in any one day, on average over a one-month period.
  - c. The home occupation shall receive no more than two deliveries/pick ups per day from the delivery vehicles and services listed above.
- (2) Permitted minor home occupations may include, but are not limited to, the following, provided they meet the criteria for minor home occupations contained herein:
  - a. Offices for authors and composers.
  - b. Office of a salesman, sales representative, or manufacturer's representative.
  - c. Offices for professionals such as architects, planners, brokers, counselors, clergy, draftspersons and cartographers, engineers, insurance agents, lawyers, real estate agents, accountants, editors, publishers, journalists, psychologists, graphic designers, construction contractors, landscape designers, and surveyors.
  - d. Tutoring of not more than one student at a time.
  - e. Instruction in a musical instrument for not more than one student at a time.
  - f. Studios for artists, sculptors, musicians, photographers and craft persons (such as weaving, jewelry making, pottery, woodworking, taxidermy and similar arts/crafts), provided that retail sales occur off site, except for occasional art tour events. (If retail sales will occur, the artisan may apply for approval as a Home Retail and Service Trade establishment).
  - g. Workrooms for tailors, dressmakers, milliners, haberdashers and upholsterers.
  - h. Direct sale product distribution, such as Avon, Tupperware, etc.
  - i. Typing, word processing services, data processing, computer programmers, web designers.
  - j. Cake decorating and baking/cooking/catering for a profit.
  - k. Beauty parlors and barber shops
  - l. Pet grooming establishments
  - m. small appliance repair
  - n. General contractor
  - o. Small engine repair (lawn mowers, snowblowers, etc.)

### **C. Major Home Occupations**

- (1) Any home occupation that exceeds the standards in Section 12.7 (B)(1) shall be considered to be major home occupation. This includes uses that may be listed in Section 12.7(B)(2).
- (2) No Major Home Occupation shall be put into operation without first obtaining a Special Use Permit in accordance with the provisions of this Law. In addition to the General Standards, above, a Major Home Occupation shall conform to the following requirements:
  - a. There shall be no more than one on-premise employee, in addition to the residents of the dwelling unit in which the home occupation is located.
  - b. The Planning Board may establish, as a condition of approval, a maximum limit for the number of customer/client visits in any one day.
  - c. The Planning Board may limit the hours of operation to be more restrictive than the standard in Section 12. 7(A)(4).

### **D. Prohibited Home Occupations**

The following uses, by the nature of the scale and intensity of the activity, are more suited to a commercial or industrial district and shall not be permitted as home occupations, either major or minor:

- (1) Funeral homes
- (2) Automobile body repair work, including painting of automobiles;
- (3) Repair of automobile, snowmobile or other vehicular engines
- (4) Restaurants and bars
- (5) Kennels and veterinary clinics
- (6) Adult Uses



between the building and the lot line or, where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

**GUARANTEE:** Any form of security including a letter of credit, escrow agreement, or instrument of credit in an amount and form satisfactory to the Village. All guarantees shall be approved by the Village Board of Trustees wherever required by these regulations.

**HABITABLE SPACE (ROOM):** Habitable space (room) is space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable.

**HEIGHT, BUILDING:** The vertical distance from natural undisturbed grade to the highest point of a flat roof; to a point midway between the lowest part of the eaves or cornice and the highest point of the ridge of a pitched, hip, gable or gambrel roof. In no case shall a mansard roof or the parapet wall of a flat roof extend more than 18" above the deck line or maximum zone height, whichever is lower. Roofs not fitting clearly any of the above three classifications shall be considered as flat depending on their configuration.

**HEIGHT, STORY:** The vertical distance from top to top of two successive finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

**HIGHWAY, LIMITED ACCESS:** A freeway or expressway, providing a traffic way for through traffic, in respect to which owners or occupants of abutting property on lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the New York State Department of Transportation, having jurisdiction over such traffic way.

**HISTORIC RESOURCE:** Any historic building, structure, facility, site or district, or prehistoric site that is listed on the State and/or National Registers of Historic Places. Any historic building, structure, facility, site or district, or prehistoric site that has been proposed by the New York Board on Historic Preservation for a recommendation to the State Historic Preservation Officer for nomination for inclusion in the National Register of Historic Places. Any locally significant historic resource designated pursuant to Article 5-K of the New York State General Municipal Law.

**HOME OCCUPATION** An accessory use of a service character customarily conducted within a dwelling by the residents thereof which is clearly secondary to the use of the building for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small name plate and in connection therewith there is not involved the keeping of stock or trade, provided that said use does not occupy more than one fourth of the floor area in said principal residential building or such equivalent in accessory building(s) and that not more than one paid assistant be therein employed. Mortuary establishments, stores, eating establishments, tourist homes and manufacturing establishments of any kind shall not be deemed to be home occupations.