

**TOWN OF ELLICOTTVILLE  
PLANNING BOARD MEETING MINUTES  
Monday, June 24, 2024 at 6:00 p.m. at the Town Center**

**PRESENT:** Timothy Zerfas, Chairman  
Sheri Barrera, Member  
Caitlin Croft, Vice-Chairperson  
Dan Kruszynski, Member  
Jake Northrup, Member  
Robert Poole, Member  
Spencer Timkey, Member

**ALSO PRESENT:** Gregory Keyser-Town Planner, Kelly Fredrickson-CEO, Tamara Helmey-Plywood Studio, Kalthleen Hogan Oneil-The Lincoln Boutique Motel, Dawn Hogan-Route Two Nineteen LLC, Bill Gugino-Whiskey Ridge/Steelbound, Louise Isaacs-7200 Horn Hill Road

Mr. Timothy Zerfas, Chairman called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance. He presented the agenda.

Mr. Zerfas opened the public hearing for **TZP-2024-017, 6089 U.S. Route 219 South, Route Two Nineteen LLC, Special Use Permit to reopen a restaurant and bar.**

Mr. Keyser advised that this is an application to reopen a restaurant that has been closed for more than 2 years. Other than blocking off the entrance closest to the intersection, no substantial improvements or changes are proposed to the property or exterior of the buildings.

Mr. Zerfas asked for questions or comments from the people attending?

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

**Moved by Mr. Zerfas to close the public hearing for TZP-2024-017, 6089 US Route 219 South, Route Two Nineteen LLC, Special Use Permit to reopen a restaurant and bar. Seconded by Ms. Croft. Ayes all. Carried.**

The Minutes of the May 20, 2024 meeting were read. Corrections were made.

**Moved by Ms. Barrera to approve the Minutes of the May 20, 2024 meeting as corrected. Seconded by Mr. Kruszynski. Ayes all. Carried.**

Mr. Zerfas presented TZP-2024-107, 6089 U.S. Route 219 South, Special Use Permit to reopen a restaurant and bar for discussion.

Mr. Keyser advised new parking lot plans have been submitted based on the previous discussion with the Board.

Ms. Barrera said her concern is that motel guests will not have adequate parking.

Ms. Hogan advised that they can put up signage to designate the parking spaces for the motel. We can provide visual barriers but don't want to put up permanent barriers.

Mr. Kruszynski noted that this plan has vehicles crossing traffic which is totally different than what existed.

Ms. Hogan said they can organize the parking better to maximize space.

Mr. Keyser noted that the applicants have provided the required number spaces.

Ms. Hogan said that they have one space for each motel room.

Ms. Croft said she doesn't feel the emergency vehicle access is adequate. Also do you have a snow storage area?

Ms. Hogan said they will have snow removed.

Mr. Kruszynski noted that a sign for the motel entrance and one for the restaurant entrance will also help emergency vehicles. Is there any other possible parking layout? Is the A-frame a motel room?

Ms. Hogan said yes the A-frame is considered a motel room.

Mr. Kruszynski said he would like to see the 4 spaces to the left of the motel entrance removed so the area is open for emergency access. However if they are not a detriment to any emergency response they can stay as per the plan.

Ms. Hogan said they are open to making changes if necessary.

Mr. Northrup said he is fine with the parking plan if the 4 spaces are moved and signage is provided.

Mr. Timkey said that the customer access is smoother with the 4 spaces removed.

Mr. Keyser said that he had not been able to connect with Reid Smith until Friday June 21, with regard to the Planning Board's concerns with the parking layout. The Board could grant approval with conditions.

**Moved by Ms. Croft to grant the special use permit to reopen the restaurant at 6089 U.S. Route 219 South as presented in the materials in TZP-2024-017 by Two Nineteen LLC. with the condition that the site plan be revised to remove the 4 parking spaces to the left of the entrance on Route 219. Seconded by Mr. Northrup. Ayes all. Carried.**

Mr. Zerfas presented TZP-2023-300, 7200 Horn Hill Road, Louise Isaacs, Special Use Permit and Site Plan Review of a 2 cabin campground.

Mr. Keyser presented the letter from the Cattaraugus County Planning Board recommending that the project be disapproved due to concerns with building codes, and Health Department approval of water and sewerage systems. The process included a building plan with

approval from the Cattaraugus County Health Department. The original proposal was to have 2 Amish style cabins on a 720 square foot lot. The proposed sanitary sewage disposal is an outhouse privy. The water supply is a 5 gallon hot and cold water dispenser in the kitchen and a 64 fl. oz. container for the bathroom. As the plan progressed it appeared that the well on the property could be used for running water which would constitute a commercial water supply and require a septic system.

Ms. Isaacs said that she applied to the Cattaraugus County Health Department for the outhouse privy.

Ms. Barrera asked, is there sufficient water in the well to accommodate the site?

Mr. Zerfas advised that the waste water has to be treated by a wastewater system if running water is provided. He also noted that he is not sure a certificate of occupancy can be issued for the cabins as built. If we approve with conditions and there are substantial changes you will have to come back.

Mr. Keyser said it is not uncommon to approve a plan and have it come back to the Board because of building or fire code issues. The approval is good for 12 months.

Ms. Isaacs said her goal was not to need a septic system. There will not be any plumbing in the cabins. The gray water will be piped to a holding tank.

Mr. Zerfas noted that the privy has to be 50 feet from the well or water supply.

Mr. Keyser advised that the Board could approve the dry cabin concept with the 5 gallon hot and cold water dispensers and the 64 fl. oz. container in the bathroom, with the outhouse privy with a holding tank.

**Moved by Ms. Barrera to grant a Special Use Permit for a 2 amish style cabin campsite at 7200 Horn Hill Road as per materials submitted by Louise Isaacs in TZP-2023-300 with conditions:**

- 1. The Cattaraugus County Health Department will approve the outhouse privy.**
- 2. The cabins are completely dry with no plumbing and no waste water generated.**

**Seconded by Mr. Kruszynski. Ayes all. Carried.**

Mr. Zerfas presented US> Route 219, Delaware North LLC, Pre-application conference for planned residential development.

Mr. Bill Gugino, representing Steelbound/Delaware North presented the plans for a townhouse community as part of the industrial park. Phase 1 would be the renovation of the pole barn into 6 units with garages. The units will be 2 bedrooms and 2 baths. One of the existing buildings is rented to Cattaraugus County and one is warehouse space for Steelbound. Phase 2 is the conversion of the existing building into 4 units with a clubhouse. Phase 3 is the construction of 5 more duplex units to be sold as individual living space. There will not be any rentals. This will be a gated community with parking. Homeowners will access the community via golf carts or shuttle service. A future concept may be a recreational building for indoor activities which will be open to the public. The bike trial and

the Ellicottville/Great Valley trail will be additional amenities. The total project will be 24 units and a possible recreational building.

Ms. Barrera said she liked the park and transport concept. Will there be an issue finding bus drivers?

Mr. Gugino said they already have a shuttle bus and want to run it more. They have plenty of parking spaces.

Mr. Zerfas asked if there will be vehicle charging stations?

Mr. Gugino said they will look at having charging stations.

Mr. Keyser noted that the Board will have to look at the fact that an industrial park will be changing to a residential use. If the Board likes the concept the applicant can proceed with the application process.

Ms. Barrera said she would like to see a traffic study.

Board members agreed that the application process should move forward.

Mr. Zerfas presented TZP-2023-267, 6599 Route 219 North, Reid Petroleum, Special Use Permit and Site Plan review of proposed gas station and convenience store.

Mr. Keyser advised that the Zoning Board of Appeals granted the requested variances for the parking lot setbacks and the landscape buffer setbacks along Routes 219 and 242 with the condition that if there were significant changes to the site plan, building design, signage, lighting plan or parking lot configuration the granted variances would be void.

Mr. Zerfas noted that Ms. Dayton of the ZBA expressed concern with the number of signs, the height of the pole sign, lighting spillage and perhaps a performance bond for the landscaping and hoped the Planning Board would look closely at these items.

Mr. Keyser advised that the 20 foot high pole sign on the corner has been reduced to 15 feet.

Ms. Barrera said she is concerned with the number of signs proposed.

Mr. Zerfas stated that the signage does not match the design of the building.

Mr. Keyser noted that if the Planning Board feels it has enough information to have a meaningful public review a public hearing can be set for the July meeting. He also noted that the application is referred to the Cattaraugus County Planning Board and a recommendation may not be received by July 22, 2024 since they meet the last Thursday of the month.

The Board members agreed to move the Planning Board meeting to July 29, 2024.

**Moved by Ms. Barrera to set a public hearing for TZP-2023-267, 6599 Route 219, North, Reid Petroleum, Site Plan and Special Use Permit application for a gas station and convenience store for July 29, 2024 at 6:00 p.m. Seconded by Mr. Timkey. Ayes all. Carried.**

Mr. Keyser advised that Barton & Loguidice are reviewing this application and will submit their comments for the public hearing. He stated that the Planning Board could ask for a performance bond for the landscaping as a condition of approval. The certificate of occupancy could not be issued until the landscaping is complete.

Mr. Poole said that the project will be beneficial to the town as a whole and this is a natural spot for it.

Mr. Zerfas presented TYP-2023-376 6442 NY Route 242, North Park Ellicottville LLC, Special Use Permit for commercial expansion of an existing building.

Mr. Keyser advised that the Town Board granted the rezoning of a portion of the property from High Density Residential to General Commercial for the entire 12.6 acre parcel. The purpose of the rezoning is to facilitate the expansion of the existing business as a special permitted use and allow the construction of a 20,000 square foot addition. If the Planning Board feels it has enough information for a meaningful public review a public hearing can be set for the July meeting.

**Moved by Ms. Barrera to set a public hearing for TYP-2023-376, 6442 NY Route 242, North Park Ellicottville LLC, Special Use Permit for the commercial expansion of the existing building for July 29, 2024 at 6:00 p.m. Seconded by Mr. Zerfas. Ayes all. Carried.**

Mr. Zerfas presented the Draft Zoning Amendment for Short-Term Rentals. The Town Board is asking for a recommendation on adopting this law.

Ms. Barrera asked who enforces the law?

Mr. Keyser said the Code Enforcement Officer enforces the law. He noted that with the help of a consultant the law was drafted based on best practices.

Mr. Zerfas referred to the definition of bedrooms. Should it be consistent with the tax records and assessment.

Mr. Fredrickson said the maximum permitted occupancy is 10 people per code.

Mr. Kruszyski referred to 7e: At least 1 functioning carbon monoxide detector. If the fire code only requires one that is ok. Otherwise he would like to see more. He referred to Operational Requirements-E9: Provide adequate waste, recycling and organics containers. Dumpsters should be included.

Mr. Keyser advised that dumpsters are not allowed in the residential district.

Mr. Krusynski noted that trash containers should not be visible from the road except at pickup time.

Mr. Timkey said they should be returned to the house after pickup.

Mr. Timkey asked about having advertising requirements as part of the code.

Mr. Zerfas referred to his September 28, 2022 letter to the Town of Great Valley with regard to their short-term rental law. The Cattaraugus County Department of Health made a suggestion for additional requirements to help protect public health and safety. Often CCHD will get a complaint about water in a long-term rental unit being responsible for an acute gastro–testinal related illness. Upon investigation we may find that the water supply is under the direct influence of surface water, or the on site wastewater system. This is often overlooked in short term rental units. Renters who normally live on public water utilities may not even be aware of the possibility that a private water supply may not be constructed properly, or does not employ any sort of treatment measures which they are used to. When CCHD becomes aware of a public health concern in a rental unit, CCHD will work with the landlord or homeowner, and if necessary require corrective action to be made to the water supply.

The definition of a commercial water system in the Cattaraugus County Health Department Sanitary Code is: “Shall mean any water system not classified as a public water system where the owner of such system serves piped water intended for use by persons other than themselves or immediate family.” As such short and long term rentals are considered commercial water systems which are subject to regulation in Part 15.5. Which gives the Health Department the legal authority to require a landlord or property owner to make improvements to the water supply to minimize the potential for contamination, or to install permanent disinfection equipment on the water supply.

Our suggestion is to include references from the SCCHD to the proposed ordinance, and to require that Short Term Rental units which are not supplied water from a regulated public water supply include a recent laboratory result showing that the water supply serving the premise does not pose a risk to human health as part of the application to the Code Enforcement Officer. The Cattaraugus County Lab would be available to test the water samples provided by the homeowners at the current cost of \$30.00 per sample. The County Health Department recommends that the water be tested every 3 years.

**Moved by Mr. Zerfas that the Planning Board recommends that the Town Board adopt the Short-Term Rental law with the recommended changes discussed. Seconded by Ms. Barrera. Ayes all. Carried.**

Mr. Keyser noted that he is working on printing a hard copy of the Town Zoning Code for Board members.

**Moved by Mr. Timkey to adjourn. Seconded by Mr. Nothrup. Ayes all. Carried.**

The meeting was adjourned at 8:15 p.m.