

**TOWN OF ELLICOTTVILLE
PLANNING BOARD MEETING MINUTES
Monday, April 22, 2024 at 6:00 p.m. at the Town Center**

PRESENT: Timothy Zerfas, Chairman
Sheri Barrera, Member
Caitlin Croft, Vice-Chairperson
Daniel Kruszynski, Member
Jake Northrup, Member
Spencer Timkey, Member

ALSO PRESENT: Gregory Keyser-Town Planner, Kelly Fredrickson-CEO, Steven Reid-Applicant (Reid Petroleum)

Mr. Timothy Zerfas, Chairman called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance. He presented the agenda for changes or additions. Nothing was submitted.

Mr. Keyser advised that Barton & Loguidice are having a Planning Management meeting on May 1, 2024 at 6:00 p.m. if any Board members are interested in attending. The Town Planning Staff will be attending.

The Minutes of the March 25, 2024 Meeting were read. Corrections were made.

Moved by Mr. Zerfas to approve the March 25, 2024 Planning Board Meeting Minutes as corrected. Seconded by Mr. Northrup. Ayes all. Carried.

Mr. Zerfas presented TYP2023-267, 6599 US Route 219, Reid Petroleum, Gasoline Service Station and General Retail establishment.

Mr. Keyser noted this is an application for Site Plan and Special Use Permit approval for a proposed 24 hour convenience store with drive-thru, fuel dispensing facility and Electric Vehicle Chargers. He asked Mr. Reid to present the proposed changes.

Mr. Steven Reid, Applicant presented the revised Site Plan and Elevation Drawings dated April 12, 2024. He noted that the new plans reflect concerns and comments from the Planning Board and Barton & Loguidice. He noted that the traffic study is completed and NYSDOT has no issues with SEQR. The NYS Parks & Recreation Department found no adverse impacts with regard to SEQR.

Mr. Reid noted that they will be seeking 2 variances; one for the parking lot setback and on for the landscape buffer. The store will be 4200 square feet, a canopy with gas pumps is shown on the site plan and a vehicle charging station is to the west side of the lot. The dumpster has been rotated 90 degrees so the garbage truck will have easy access to it. The drive-thru window will be for pickup of food ordered on the App. There are 2 curb cuts

proposed; one on Route 219 and one on Route 242. The curbing along the west side will be mountable to allow snow to be plowed over it to the storage area. The parking stalls will be 9.5 feet by 19 feet which exceed the zoning requirement.

Mr. Reid referred to the Stormwater Pollution Prevention Plan (SWPPP). Adjustments have been made per requests from Barton & Loguidice and the plan meets NY State requirements. He presented the circulation path for trucks which will make deliveries early in the morning or late at night to avoid customer traffic. He also identified the stacking plan for the drive-thru for the pickup window. Based on their Amherst, NY store there will not be more than 4 vehicles at a time.

Mr. Reid presented the lighting plan. The light spillage onto neighboring properties is limited by lights that are night sky compliant to meet the Ellicottville Town Zoning. The wattage under the canopy is per industry standards.

Mr. Reid presented the landscaping plan showing shrubs and trees along Routes 219 and 242 and a buffer along Crowley Creek. There is a retention area before the tree line.

Ms. Barrera asked where will the Ellicottville/Great Valley Trail run?

Mr. Keyser said that is yet to be determined, but it should not cross this property.

Ms. Barrera asked how far the new sidewalk extends?

Mr. Reid said it ends at our property line.

Mr. Reid presented the signage plan for 10 signs. The channel letters on the building will be back lit, not internally lit. He noted the signage that will be lit with gooseneck lights shining down. An LED sign for gas prices in red and green is proposed. There are no flashing signs. This is the industry standard at all stations.

Mr. Timkey asked what is the power source for the back lit letters and the window signage?

Mr. Reid said he did not know the power source.

Mr. Zerfas asked if the LED sign can be dimmed or be less bright?

Mr. Keyser asked if the Board has enough information to make a SEQR determination? He noted that the lighting can be addressed when the applicants come back for final approval. Barton & Loguidice are recommending that a SEQR determination of nonsignificance be made and a Negative Declaration be issued.

Mr. Keyser noted that the applicant is seeking variances from the 20 foot property line setback for the parking lot and landscape buffer along Routes 219 and Routes 242 from the ZBA. The Parking Lot request is 15.5 feet along Route 219 and 3 feet along Route 242. The Landscape buffer request is 15.5 feet along Route 219 and 3 feet along Route 242.

Moved by Mr. Kruszynski that based on its review of the EAF the Planning Board makes a determination of nonsignificance documenting that the proposed action will not result in any significant adverse environmental impacts and issues a Negative Declaration. Seconded by Ms. Barrera. Ayes all. Carried.

Moved by Ms. Barrera that the Planning Board recommends that the Zoning Board of Appeals grant the variances for the property line setbacks for Parking Lot and Landscape buffer as requested by Reid Petroleum. Seconded by Ms. Croft. Ayes all. Carried.

Mr. Zerfas presented TZ-2024-017, 6089 Route 219 S., Route Two Nineteen LLC, Special Use Permit amendment.

Mr. Keyser presented his staff report on this application requesting a Special Use Permit amendment to reopen a restaurant that has been closed for more than two 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. The property owner plans to lease the restaurant to an individual to operate.

The motel is being renovated but since it never closed a Special Use Permit to reopen is not needed. The owner can document the continuous rental status.

Per Section 6.3.1 of the Zoning Code, a Special Use Permit Amendment is not required if the Planning Board determines that the proposed use is substantially the same as the use for which was already approved. If the Board concludes that a Special Use Permit Amendment is required, then the procedures including SEQR review, a public hearing and referral to Cattaraugus County Planning Board should be initiated.

Ms. Barrera asked what happens if the person who leases the space changes the use? Mr. Keyser said they would have to apply for a Special Use Permit for the change and would require the property owners approval.

Mr. Keyser advised that the parking plan shows 35 spaces, 20 for the restaurant and 15 for the motel. Adequate parking is provided.

Mr. Kruszynski said closing of the entrance closest to the intersection is a good idea. Is there room along the Holiday Valley Road for more parking spaces?

Mr. Timkey expressed concern with safety issues at the crosswalk at the intersection since there is only sidewalk on one side of the road. He also noted that there is a traffic problem on the weekends with vehicles to and from Holiday Valley. Having more vehicles pulling on to Holiday Valley Road from the restaurant will increase congestion. He would like to see a traffic pattern study.

Mr. Keyser advised that if the Planning Board has concerns or questions the application can be tabled and he will ask the applicants to attend a meeting to provide more information.

Moved by Ms. Croft to table TZP-2024-017, 6089 Route 219 S, Route Two Nineteen LLC, Special Use Permit amendment to reopen a restaurant, pending more information on the parking plan and a traffic pattern analysis. Seconded by Mr. Northrup. Ayes all. Carried.

Mr. Keyser advised that the Southern Tier West Government Conference is on June 6, 2024 at Houghton College. Planning Board members can attend to fulfill their 4 hours of training requirement.

Mr. Keyser noted that the next meeting is Tuesday, May 28, 2024 as Monday is a holiday. He will not be at the meeting. Following discussion the Planning Board changed the meeting date to May 20, 2024.

Moved by Mr. Zerfas to adjourn. Seconded by Mr. Kruszynski. Ayes all. Carried.

The meeting was adjourned at 7:05 p.m.