

**VILLAGE OF ELLICOTTVILLE
PLANNING BOARD MEETING MINUTES
MARCH 12, 2024**

PRESENT: Gregory Cappelli, Acting Chairman
Chad Neal, Member
Damon Newpher, Member
Blair Hamilton, Alternate Member

ALSO PRESENT: Gregory Keyser-Village Planner, Kelly Fredrickson-CEO,
Aaron Tiller-Architect, Peter Roe-Applicant, Stewart Ritchie-
Applicant, Caitlin-Croft-Village Board

AGENDA: VZP-2023-370- 37 Washington Street, Peter Kreinheder
Special Use Permit & Site Plan Review (Boutique motel)
Public Hearing March 12, 2024

VZP-2023-382- 41 Mill Street, Vogt Subdivision
Subdivision Amendment-Public Hearing March 12, 2024

VZP-2023-274- 41 Mill Street (Lot 4A) Rick & Joan Graci
Site Plan Review & Special Use Permit
Single family residence with accessory apartment
Public Hearing March 12, 2024

VZP-2024-001- 11-15 Martha Street, Rural Resurgence,
Special Use Permit, Site Plan Review & Sign Application
Change in Use- Retail Cannabis Dispensary
Public Hearing March 12, 2024

VZP-2024-003- 1 W. Washington Street, Town of Ellicottville
Architectural Design & Historic District Review & sign
Main Entrance improvements
Public Hearing March 12, 2024

VZP-2024-008- 17 Mill Street, Bob McCarthy Foundation
Architectural Design Review of structural alterations
To the exterior of building and Signage

DISCUSSION: Gregory Cappelli, Acting Chairman called the meeting to order at 5:30 p.m.
with four members present.

DISCUSSION: Mr. Cappelli presented VZP-2023-370, 37 Washington Street, Peter Kreinheder, Special Use Permit and Site Plan review of proposed boutique motel and a public hearing.

MOTION: Moved by Chad Neal to open the public hearing for 37 Washington Street, Peter Kreinheder, Special Use Permit and Site Plan review of proposed boutique motel. Seconded by Damon Newpher. Vote 4-0. Carried.

Greg Keyser advised that the applicant is seeking approval for a change in use to establish a 3 room boutique motel in an existing vacant building located in the VC-1 District. A 30 foot lobby area with kitchen and bathroom are proposed on the first floor with 2 bedrooms with a shared bathroom on the second floor. Adequate parking is provided.

Mr. Cappelli asked for questions or comments from the people attending.
Caitlin Croft noted that this is a good idea and fits the character of the building.

Damon Newpher advised that the proposed plan meets the zoning requirements.

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.

MOTION: Moved by Chad Neal to close the public hearing for VZP-2023-370, 37 Washington Street, Peter Kreinheder, Special Use Permit and Site Plan review of proposed boutique motel. Seconded by Blair Hamilton. Vote 4-0. Carried.

DISCUSSION: Greg Cappelli presented VZP-2023-382, 41 Mill Street, Phillip Vogt, Subdivision amendment and a public hearing.

MOTION: Moved by Chad Neal to open the public hearing for 41 Mill Street, Vogt subdivision amendment. Seconded by Damon Newpher. Vote 4-0. Carried.

Greg Keyser advised that the applicant is requesting a subdivision amendment to remove the current conditions and allow the construction of single-family residences on an individual lot basis. The development was approved in 2016 as part of a 3 lot minor subdivision, which included special use permit, site plan review and architectural design review to allow the construction of 3 duplexes (one on each lot). One duplex was built in 2016. Mr. Vogt now wants to amend the subdivision to sell the remaining lots for single-family residences.

Mr. Cappelli asked for questions or comments from the people attending.
Greg 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.

MOTION: Moved by Chad Neal to close the public hearing for VZP-2023-382, 41 Mill Street, Vogt Subdivision amendment. Seconded by Damon Newpher. Vote 4-0. Carried.

DISCUSSION: Greg Cappelli presented VZP 2023- 274- 41 Mill Street (Lot 4A) Richard & Joan Graci, Special Use Permit, Site Plan and Architectural Design Review of proposed single family residence with an accessory apartment.

MOTION: Moved by Chad Neal to open the public hearing for 41 Mill Street, Richard & Joan Graci, Special Use Permit, Site Plan and Architectural Design of proposed single-family residence. Seconded by Blair Hamilton. Vote 4-0. Carried.

Greg Keyser advised that the applicants have submitted a revised site plan and elevation drawings for a 3,200 square foot residence with an accessory apartment. This application is pending on the approval of the amendment to the Vogt Mill Street Development to allow single-family houses in the previously approved 3 lot duplex subdivision.

Greg Cappelli 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.

MOTION: Moved by Chad Neal to close the public hearing for 41 Mill Street, Richard & Joan Graci, Special Use Permit, Site Plan and Architectural Design of proposed single-family residence. Seconded by Blair Hamilton. Vote 4-0. Carried.

DISCUSSION: Greg Cappelli presented VZP-2024-001, 11-15 Martha Street, Rural Resurgence, Special Use Permit, Site Plan Review and Sign permit for change in use for a Retail Cannabis Dispensary and a public hearing.

MOTION: Moved by Chad Neal to open the public hearing for 11-15 Martha Street, Rural Resurgence, Special Use Permit Site Plan Review and Sign permit for the establishment of a Retail Cannabis Dispensary. Seconded by Blair Hamilton. Vote 4-0. Carried.

Greg Keyser advised that the applicant plans to use the former Bike & Bean space for the dispensary. Cannabis Retail Dispensaries are allowed in the VC-2 District as a Conditional Use.

Greg Cappelli 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.

MOTION: Moved by Blair Hamilton to close the public hearing for 11-15 Martha Street, Rural Resurgence, Special Use Permit Site Plan Review and Sign permit for a Retail Cannabis Dispensary. Seconded by Chad Neal. Vote 4-0. Carried.

DISCUSSION: Greg Cappelli presented VZP-2024-003, 1 W. Washington Street, Town of Ellicottville, Historic District and Architectural Design Review of improvements to the front entrance of the Town Hall and a public hearing.

MOTION: Moved by Chad Neal to open the public hearing for 1 W. Washington Street, Town of Ellicottville Historic District and Architectural Design Review of improvements to the front entrance. Seconded by Blair Hamilton. Vote 4-0. Carried.

Greg Keyser presented the proposal to replace the front entry door with a new frame, door, transom assembly, hardware and lockable steel mailbox slot mounted in the sidelite framing. The existing signage mounted above the entry door will be removed and replaced with a new post-mounted sign in the front lawn area east of the main property. The brick behind the removed sign will be cleaned and re-pointed to match adjacent mortar color and character.

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

Greg 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.

MOTION: Moved Blair Hamilton to close the public hearing for 1 W. Washington Street, Town of Ellicottville Historic District and Architectural Design Review of improvements to the front entrance. Seconded Chad Neal. Vote 4-0. Carried.

The Minutes of the February 6, 2024 Planning Board Work Session and the Minutes of the February 13, 2024 Planning Board Meeting were read.

MOTION: Moved by Chad Neal to approve the Minutes of the February 6, 2024 Planning Board Work Session and the Minutes of the February 13, 2024 Planning Board Meeting as read. Seconded by Damon Newpher. Vote 4-0. Carried.

DISCUSSION: Geg Cappelli presented VZP-2023-370, 37 Washington Street, Peter Kreinheder boutique motel.

Greg Keyser advised that the applicant is requesting a Special Use Permit and Site Plan Approval for a change of use to allow the establishment of a 3-room motel in an existing vacant building. The project meets the definition of a Type 2 SEQR Action involving the reuse of a commercial structure where the proposed use is permitted as of right or by special use permit. The Planning Board should classify the project as a Type 2 Action before acting on the application.

MOTION: Moved by Chad Neal to classify the project as a Type 2 SEQR Action involving the use of a commercial structure where the proposed use is permitted as of right or by special use permit. Seconded by Blair Hamilton. Vote 4-0. Carried.

MOTION: Moved by Chad Neal to grant Special Use Permit and Site Plan Approval of a proposed 3 room motel at 37 Washington Street as presented in materials in VZP-2023-370 by Peter Kreinheder. Seconded by Blair Hamilton. Vote 4-0. Carried.

DISCUSSION: Greg Cappelli presented VZP-2023-382, 41 Mill Street, Philip Vogt, Subdivision amendment.

Greg Keyser advised that the applicant is requesting an amendment to the October 11, 2016 subdivision approval to allow the construction of single-family residences on an individual lot basis. The access driveway will be moved to the front of the lots. The Planning Board should classify the project as a Type 2 SEQR Action before acting on the application.

MOTION: Moved by Chad Neal to classify the project as a Type 2 SEQR Action. Seconded by Blair Hamilton. Vote 4-0. Carried.

MOTION: Moved by Chad Neal to grant an amendment to the October 11, 2016 subdivision approval to allow the construction of single-family residences on an individual lot basis as presented in materials in VZP-2023-382 submitted by Philip Vogt with the following conditions:

1. Each lot shall remain as approved and cannot be further subdivided in the future, and duplex structures cannot be divided in ownership in the future.
2. The owners shall execute shared driveway and utility agreements.

Seconded by Blair Hamilton. Vote 4-0. Carried.

DISCUSSION: Greg Cappelli presented VZP-2023-274, 41 Mill Street (Lot 4A), Richard & Joan Graci, Special Use Permit, Site Plan and Architectural Design Review of a single-family residence.

Greg Keyser advised that the applicants are requesting a Special Use Permit, Site Plan and Architectural Design approval for a 3,200 square foot single-family residence with an accessory apartment. The project meets the definition of a Type 2 Action under 617.5(c)(11) involving the construction of a one-family residence with an accessory apartment on an approved building lot. The Planning Board should classify the project as a Type 2 Action before acting on the application.

MOTION: Moved by Damon Newpher to classify the project as a Type 2 Action under 617.5(c)(11) involving the construction of a one-family residence with an accessory apartment on an approved building lot. Seconded by Chad Neal. Vote 4-0. Carried.

MOTION: Moved by Chad Neal to grant Special Use Permit, Site Plan and Architectural Design approval for a 3,200 square foot single-family residence with an accessory apartment at 41 Mill Street (Lot 4A) as presented in VZP-2023-274 submitted by Richard & Joan Graci. Seconded by Blair Hamilton. Vote-4-0. Carried.

DISCUSSION: Greg Cappelli presented VZP-2024-001, 11-15 Martha Street, Resurgence Special Use Permit, Site Plan Review and Sign Permit for a change in use to allow a retail cannabis dispensary.

Greg Keyser advised that the applicant is requesting a Special Use Permit and Site Plan Review to establish a retail cannabis dispensary in the existing commercial building. A Sign Permit application is submitted for a 5 foot by 2 foot football shaped wood hanging sign. A drawing was submitted.

The project meets the definition of a Type 2 SEQR Action involving the reuse of a commercial structure where the proposed use is permitted as of right or by a special use permit. The Planning Board should classify the project as a Type 2 Action before acting on the application.

Caitlin Croft noted there is a moratorium on cannabis establishments.

Greg Keyser said there was a moratorium in place until the Village Board passed a cannabis law which is now in place.

MOTION: Moved by Blair Hamilton that the project is classified as a Type 2 SEQR Action involving the reuse of a commercial structure where the proposed use is permitted as of right or by a special use permit. Seconded by Chad Neal. Vote 4-0. Carried.

MOTION: Moved by Chad Neal to grant Special Use Permit, Site Plan and Sign Permit approval for a retail cannabis dispensary at 11-15 Martha Street as presented in materials in VZP-2024-001 submitted by Stewart Ritchie of Rural Resurgence with the following condition:

1. Issuance of a building permit and/or certificate of occupancy subject to a license being granted by the NYS Office of Cannabis Management or other applicable authority.

Seconded by Blair Hamilton. Vote 4-0. Carried.

Stewart Ritchie said that when he provides the NYS Office of Cannabis Management with the notice of approval they will conduct an inspection of the location and issue an Adult-Use Micro business license. I will provide a copy to the Village of Ellicottville.

DISCUSSION: Greg Cappelli presented VZP-2024-003, 1. W. Washington Street, Town Ellicottville, Historic District and Architectural Design review of proposed renovations to the front entrance.

Greg Keyser advised that the applicant is requesting Historic District and Architectural Design review of the proposed renovations to the front entrance and a Sign Permit for a ground mounted sign to replace the one to be removed from the building facade. The NYS Historic Preservation Office has approved the project. The project meets the definition of a Type 2 SEQR Action involving maintenance and repair with no substantial changes to the existing building. The Planning Board should classify the project as a Type 2 Action before acting on the application.

MOTION: Moved by Blair Hamilton to classify the project as a Type 2 SEQR Action involving the maintenance and repair with no substantial changes to the existing building. Seconded by Damon Newpher. Vote 4-0. Carried.

MOTION: Moved by Chad Neal to grant Historic District, Architecture Design and Sign Permit approval for proposed renovations to the front entrance of the building including a ground mounted sign at 1 W. Washington Street as presented in materials submitted in VZP-2024-001 by the Town of Ellicottville. Seconded by Damon Newpher. Vote 4-0. Carried.

DISCUSSION: Greg Cappelli said he will recuse himself from the Bob McCarthy Foundation application.

Greg Keyser presented VZP-2024-008, 17 Mill Street, Bob McCarthy Foundation a request for a Architectural Design Review to allow improvements to the exterior of the Department of Public Works building. The proposal is to reconfigure the entry on the current building changing from a side access to a front access while raising the door to eliminate an interior step.

The project meets the definition of a Type 2 SEQR Action involving the maintenance and repair with no substantial changes to the existing building. The Planning Board should classify the project as a Type 2 Action before acting on the application.

A Sign Permit application VSP-2024-004 for the 8 foot by 3 foot rectangular wall sign is also submitted. Sign permit approval is required because the building has more than one sign per facade. The building has five other signs currently on the building. The colors are red, white and black and a drawing was submitted.

Mr. Cappelli noted that the site will be used to provide medical equipment needs in partnership with Interfaith Caregivers in Olean, NY.

MOTION: Moved by Chad Neal to classify the project as a Type 2 SEQR Action involving the maintenance and repair with no substantial changes to the existing building. Seconded by Damon Newpher. Vote 4-0-. Carried.

MOTION: Moved by Damon Newpher to approve the sign permit for a 8 foot by 3 foot rectangular wall sign as presented in materials submitted in VSP-2024-004 and to grant Architectural Design approval for proposed improvements to the exterior of the Department of Public Work Building at 17 Mill Street as presented in the materials submitted in VZP-2024-008 by Bob McCarthy Foundation with the following condition:

1. Front steps or other exterior access compliant with NYS Building Code be installed.

Seconded by Blair Hamilton. Vote 3-0. Carried.

DISCUSSION: Caitlin Croft asked to address the Planning Board with regard to Village Gate Subdivision.

Greg Keyser noted that the Village Attorney has advised the Planning Board not to comment on the project as the lawsuit is over and a building permit and plans have been filed. The Village is not responsible for private covenants.

Ms. Croft noted that there was some misunderstanding by the Village Board. The residents at Village Gate are concerned with the view looking up the hill not down on to Mill Street. They understand that the project has been approved but are concerned about a Phase 2 with a second duplex unit. They would like to see something similar to the existing townhomes for more continuity. The Planning Board usually promotes continuity. How do we move forward to prevent future issues or lawsuits?

MOTION: Moved by Chad Neal to adjourn at 6:00 p.m. Seconded by Damon Newpher. Vote 4–0. Carried.

Submitted by Donna Baldwin, Secretary