

**TOWN OF ELLICOTTVILLE
PLANNING BOARD**

DRAFT STAFF REPORT
Draft - updated April 19, 2021

File No: PB-2020-104
Project: Elk Creek Subd. – Phase B
Applicant: Elk Creek Inc.
Location: Maples Rd (extension of Elk Creek Drive)
Tax Map No: 46.082-3-40.1
Existing Zoning: High Density Residential (HD) District
Application Date: December 28, 2020
Meeting Date: April 20, 2021
Staff Report: Gary Palumbo, Town Planner
Attachments: Application for Preliminary Subdivision, Plat / Plans, Engineers Report and Full EAF Part 1

PROJECT DESCRIPTION:

A Preliminary Plat Application under Section 2.3 of the Town Subdivision Regulations. This is the second phase of the previously approved Elk Creek Subdivision. Phase B was approved but not filed in 2005. At that time there were 26 lots approved in Phase B. The current proposal is for 11 lots on the same 10.16 acres. The proposed extension of Elk Creek Dr. will add approximately 920 feet to the existing 540-foot road. The plans indicate that sidewalk will be extended from its current terminus on the east side of Maples Rd at Pine Tree Rd. and continues the west side of Maples Road to Elk Creek, through Elk Creek Road and back to Maples Road along the entire frontage of the subject property (see sheet S-1).

ZONING COMPLIANCE:

Use and Lots: The property is in the High Density Residential (HD) District where single-family dwellings are Permitted Uses with a Building Permit from the CEO. The proposal is to subdivide approximately 10.16 acres into 11 lots ranging in size from 21,058 s.f. to 48,901 s.f. – all larger than the minimum required. All 11 lots meet the applicable zoning requirements. Building envelopes are shown on each lot. The applicable standards in the HD District are:

STANDARD	
Min. Lot Size	15,000 s.f.
Min. Lot Width	80 feet
Min. Front Setback	35 feet
Min. Rear Yard	15 feet
Min. Side Yard	15 feet
Max. Height	35 feet / 2½ stories
Usable Open Space	50%

Road: At a cumulative length of approximately 1,460 feet and 16 lots (in Phases A and B) the road exceeds the (1,000-foot and 12-lot) guidance in Section 3.2(B)(4). However, during sketch plan review, the Planning Board discussed this issue and agreed the trade-off between less total lots and length of infrastructure outweighs the exceedance of Section 3.2(B)(4).

ENGINEERING:

The engineering plans are under review by the Town Engineer. The applicant met with the Town Engineer and the Highway Superintendent since the public hearing to discuss the Town’s preference for a larger the cul-de-sac in order to provide more room to maneuver their equipment and to manage snow removal. The plans have been revised and are under review. The Site Plan and Preliminary Plat are attached.

Other review comments and ultimate approvals are required from: Town Highway Superintendent, Fire Department Chief, County Health Department (water), County DPW (sidewalks and 4 additional curb cuts), and NYS DEC (sewer extension). The Planning Board’s action on the Preliminary Plat should consider the review comments from at a minimum, Town Highway Superintendent, Fire Chief and Town Engineer – post public hearing.

PROCEDURE:

Public Hearing: As required in Section 2.3(B) of the Subdivision regulations, the Planning Board held its public hearing on the Preliminary Plat in April.

239-M Referral: Major subdivisions are subject to referral to the Cattaraugus County Planning Board. A referral was sent to the County Planning Board and received back with a recommendation of “*The proposed action has no significant countywide or inter-community impacts. Matter is of local concern.*”

SEQR Review: A major subdivision for residential purposes is a classified as an Unlisted Action under SEQR Part 617. The Planning Board has the Full EAF Part 1. A coordinated review letter was sent on to the other involved agencies. I have heard back from the NYSDEC and Cattaraugus County Health Department, but not the Cattaraugus County DWP (see attached).

I have reviewed Part 1 and will draft Part 2 for the Planning Board’s consideration as soon as this month’s meeting or prior to granting Preliminary Plat approval.

Action: A determination under Section 2.3(B)(2) of the Subdivision Regulations must be made within 62 days of closing the Public Hearing.

RECOMMENDATION:

Because we do not have comments yet from the Cattaraugus County DPW, we should not complete the SEQR review or issue Preliminary Platt approval this month. However, it is important to understand that the requisite engineering reviews are moving along, and significant changes are not anticipated to the plans.

Conditional approval for engineering purposes maybe appropriate, as long as meeting those conditions are not likely to cause changes to the plat.

At this time, the Town should ask the applicant to mutually agree to extend the 62-day approval deadline.



CATTARAUGUS COUNTY HEALTH DEPARTMENT

1 Leo Moss Drive, Olean, NY 14760, Tel. (716)701-3386, Fax (716) 701-3737



Public Health
Prevent. Promote. Protect.
Cattaraugus County
Health Department

Established 1923

Kevin D. Watkins, M.D., MPH, Public Health Director

Eric W. Wohlers, PE
Environmental Health Director

March 15, 2021

Mr. Gary Palumbo, AICP
Ellicottville (T) Planning Department
17 Mill Street
Ellicottville, NY 14731

RE: Preliminary Comments
Elk Creek Subdivision – Phase B

Dear Mr. Palumbo:

The Cattaraugus County Health Department (CCHD) has received and reviewed the engineer's report and drawings for the revised Phase B of the Elk Creek Subdivision as submitted by James D. Hannon, P.E. on 3/8/21. CCHD was identified as an Involved Agency in the SEQR process due to the public water main extension design approval that I will need to issue pursuant to Subpart 5-1, 10NYCRR, and the plat approval I will need to issue pursuant to NYS Realty Subdivision Law (Article 11, Title 2, NYSPL).

Please know that I do not see any problems with the new alignment of the waterline or changes to the lot configurations, roadway, or drainage. Assuming the proposed changes also meet with Town Planning Board, County and Town Highway Departments, and NYSDEC approvals, I expect to be able to endorse the revised plat map.

Feel free to contact me directly if you require any additional input at this time.

Yours truly,

Eric W. Wohlers, P.E.
Environmental Health Director

EWV/tlr

Cc: J. Hannon, P.E.
D. Denk, NYSDEC-DEP
B. Slotman, Town Engineer
K. Northrup, Elk Creek, Inc.
W. Fox, P.E., CCDPW



Accredited Health Department
Public Health Accreditation Board

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9
270 Michigan Avenue, Buffalo, NY 14203-2915
P: (716) 851-7165 | F: (716) 851-7168
www.dec.ny.gov

SENT VIA EMAIL

March 31, 2021

Gary Palumbo, Town Planner
Town of Ellicottville
17 Mill Street
Ellicottville, New York 14731

Dear Gary Palumbo:

SEQR Lead Agency Coordination
11-Lot Residential Subdivision
SBL No. 46.082-3-40.1
Maples Road
Town of Ellicottville, Cattaraugus County

This is to acknowledge receipt of a March 8, 2021 notice from Harmon Engineering, P.C., which requested a preliminary review of the above-referenced project. The New York State Department of Environmental Conservation (NYSDEC) has reviewed the Environmental Assessment Form and plans enclosed with the notice. The New York State Department of Environmental Conservation (NYSDEC) concurs that the Town of Ellicottville Planning Board should act as SEQR Lead Agency, since the environmental impacts of the proposal are primarily of local significance. Based on this review, please be advised of the following:

1. Since project activities will involve land disturbance of 1 acre or more, the project sponsor, owner or operator is required to obtain a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001). This General Permit requires the project sponsor, owner or operator to control stormwater runoff according to a Stormwater Pollution Prevention Plan (SWPPP), which is to be prepared prior to filing a Notice of Intent (NOI) and prior to commencement of the project. More information on General Permit GP-0-20-001, as well as the NOI form, is available on NYSDEC's website at www.dec.ny.gov/chemical/43133.html. Information on permitting requirements and preparation of a necessary Stormwater Pollution Prevention Plan (SWPPP) is available on NYSDEC's website at www.dec.ny.gov/chemical/8468.html.

2. This proposed project is a Sanitary Sewer Extension or requires a sanitary sewer connection that is designed to convey 2,500 gallons/day or more of municipal sewage that is defined as a Sanitary Sewer Extension, and therefore requires sewer extension approval by the New York State Department of Environmental Conservation.

A detailed Downstream Sewer Capacity Analysis (DSCA) must be performed. Recent wet weather flow monitoring data and proposed new development flow should be analyzed relative to theoretical capacity at key nodes in the downstream sewer system and at pump stations (if any) to determine if capacity exists.

Recent wet weather system flow data can consist of:

- Comprehensive information from recent Sanitary Sewer System Evaluation Studies, or
- Wet weather data collected at (minimum of 3) key downstream nodes specified by the municipality.
 - This dated information can consist of instantaneous flow measurements or continuous flow or sewer depth measurements obtained during significant wet weather events, preferably during high groundwater conditions. Peak sewer flow recording methods are an acceptable method to collect this information.
 - Depth or flow measurements should continue until a significant wet weather event occurs, but would not have to extend beyond three months. A significant wet weather event is considered to be a daily rainfall amount of $\frac{1}{2}$ " or greater.

The DSCA must also contain a narrative and a detailed map showing the downstream routing of sewers from the proposed project site to the Wastewater Treatment Plant. Line sizes, theoretical capacity and pump stations must be identified and included in the analysis.

This DSCA, as well as any required infiltration and inflow (I/I) rehabilitation offset work at a 4:1 ratio, should be part of the Project's Engineering Report. These items must be received as part of a complete sanitary sewer extension plan submission. The sewer owner shall coordinate the information contained in this submission. If adequate capacity is not available, the sewer extension will not be approved until an acceptable remediation plan is developed.

Gary Palumbo
March 31, 2021
Page 3

3. It was noted on the Federal Emergency Management Agency's (FEMA) FIRM Map No. 3600690021D that the project site includes designated 100-year floodplain. The proposed project should be designed in accordance with all applicable local municipal laws for flood damage reduction.

If you have any other questions, please feel free to contact Ms. Michelle Woznick at 716/851-7165 or Michelle.Woznick@dec.ny.gov.

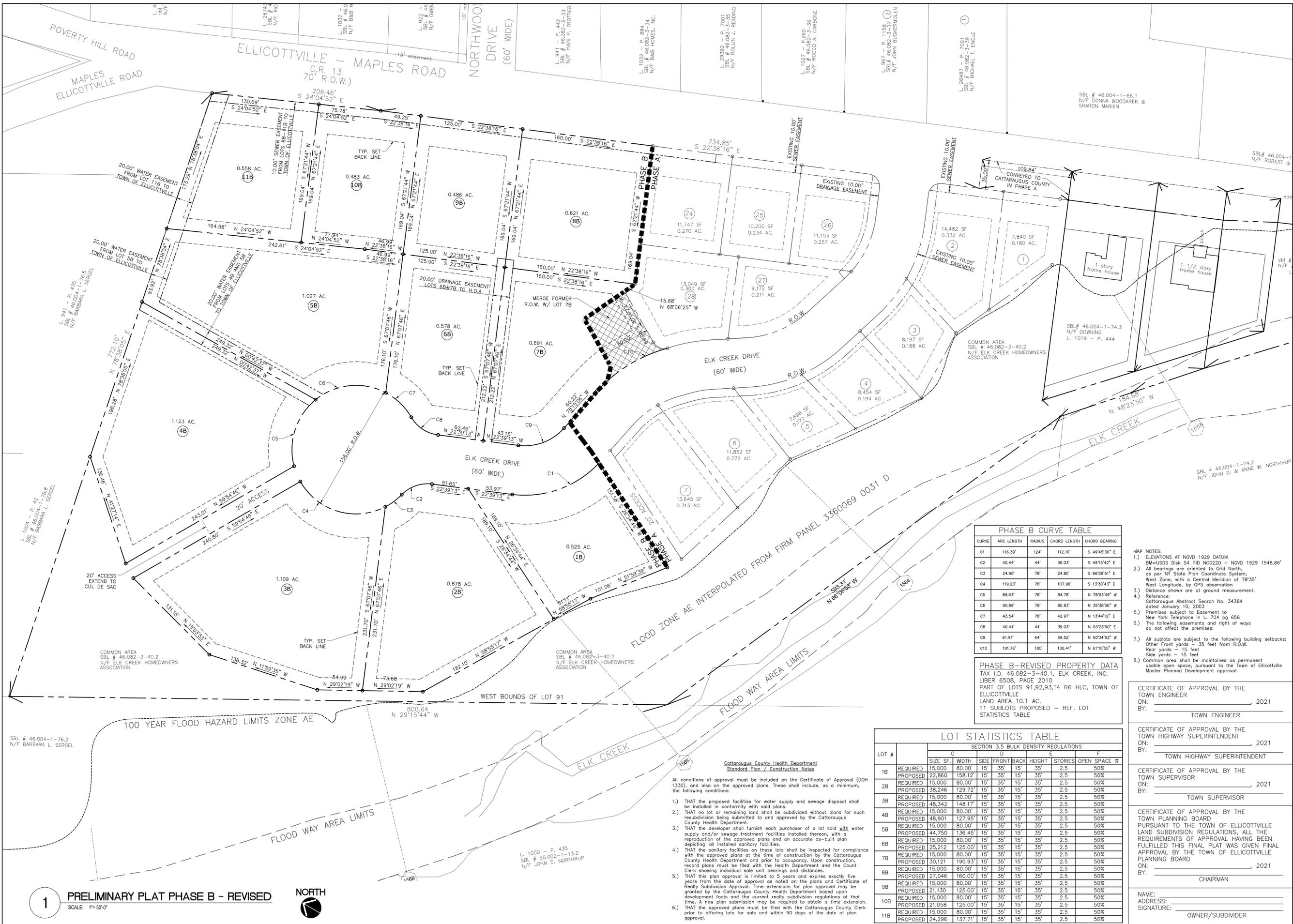
Sincerely,

David S. Denk

David S. Denk
Regional Permit Administrator

MRW

ecc: Karl Northrup, Elk Creek Inc.
William Smythe, P.E., NYSDEC Division of Water



All conditions of approval must be included on the Certificate of Approval (DOH 1330), and also on the approved plans. These shall include, as a minimum, the following conditions:

- THAT the proposed facilities for water supply and sewage disposal shall be installed in conformity with said plans.
- THAT no lot or remaining land shall be subdivided without plans for such re-subdivision being submitted to and approved by the Cattaraugus County Health Department.
- THAT the developer shall furnish each purchaser of a lot with water supply and/or sewage treatment facilities installed thereon, with a reproduction of the approved plans and an accurate as-built plan depicting all installed sanitary facilities.
- THAT the sanitary facilities on these lots shall be inspected for compliance with the approved plans at the time of construction by the Cattaraugus County Health Department and prior to occupancy. Upon construction, record plans must be filed with the Health Department and the Court Clerk showing individual sale unit bearings and distances.
- THAT this plan approval is limited to 5 years and expires exactly five years from the date of approval as noted on the plans and Certificate of Realty Subdivision Approval. Time extensions for plan approval may be granted by the Cattaraugus County Health Department based upon development facts and the current realty subdivision regulations at that time. A new plan submission may be required to obtain a time extension.
- THAT the approved plans must be filed with the Cattaraugus County Clerk prior to offering lots for sale and within 90 days of the date of plan approval.

- MAP NOTES:**
- ELEVATIONS AT NOVD 1929 DATUM
 BM=USGS DIK 54 PID N0220 - NOVD 1929 1548.86'
 - All bearings are oriented to Grid North, as per NY State Plan Coordinate System, West Zone, with a Central Meridian of 78°35' West Longitude, by GPS observation
 - Distance shown are at ground measurement.
 - References:
 Cattaraugus Abstract Search No. 34364 dated January 10, 2003
 - Premises subject to Easement to New York Telephone in L. 704 pg 656
 - The following easements and right of ways do not affect the premises:
 - All sublots are subject to the following building setbacks:
 Other Front yards - 35 feet from R.O.W.
 Rear yards - 15 feet
 Side yards - 15 feet
 - Common area shall be maintained as permanent usable open space, pursuant to the Town of Ellicottville Master Planned Development approval.

CERTIFICATE OF APPROVAL BY THE TOWN ENGINEER
 ON: _____, 2021
 BY: _____ TOWN ENGINEER

CERTIFICATE OF APPROVAL BY THE TOWN HIGHWAY SUPERINTENDENT
 ON: _____, 2021
 BY: _____ TOWN HIGHWAY SUPERINTENDENT

CERTIFICATE OF APPROVAL BY THE TOWN SUPERVISOR
 ON: _____, 2021
 BY: _____ TOWN SUPERVISOR

CERTIFICATE OF APPROVAL BY THE TOWN PLANNING BOARD
 PURSUANT TO THE TOWN OF ELLICOTTVILLE LAND SUBDIVISION REGULATIONS, ALL THE REQUIREMENTS OF APPROVAL HAVING BEEN FULFILLED THIS FINAL PLAT WAS GIVEN FINAL APPROVAL BY THE TOWN OF ELLICOTTVILLE PLANNING BOARD
 ON: _____, 2021
 BY: _____ CHAIRMAN

NAME: _____
 ADDRESS: _____
 SIGNATURE: _____ OWNER/SUBDIVIDER

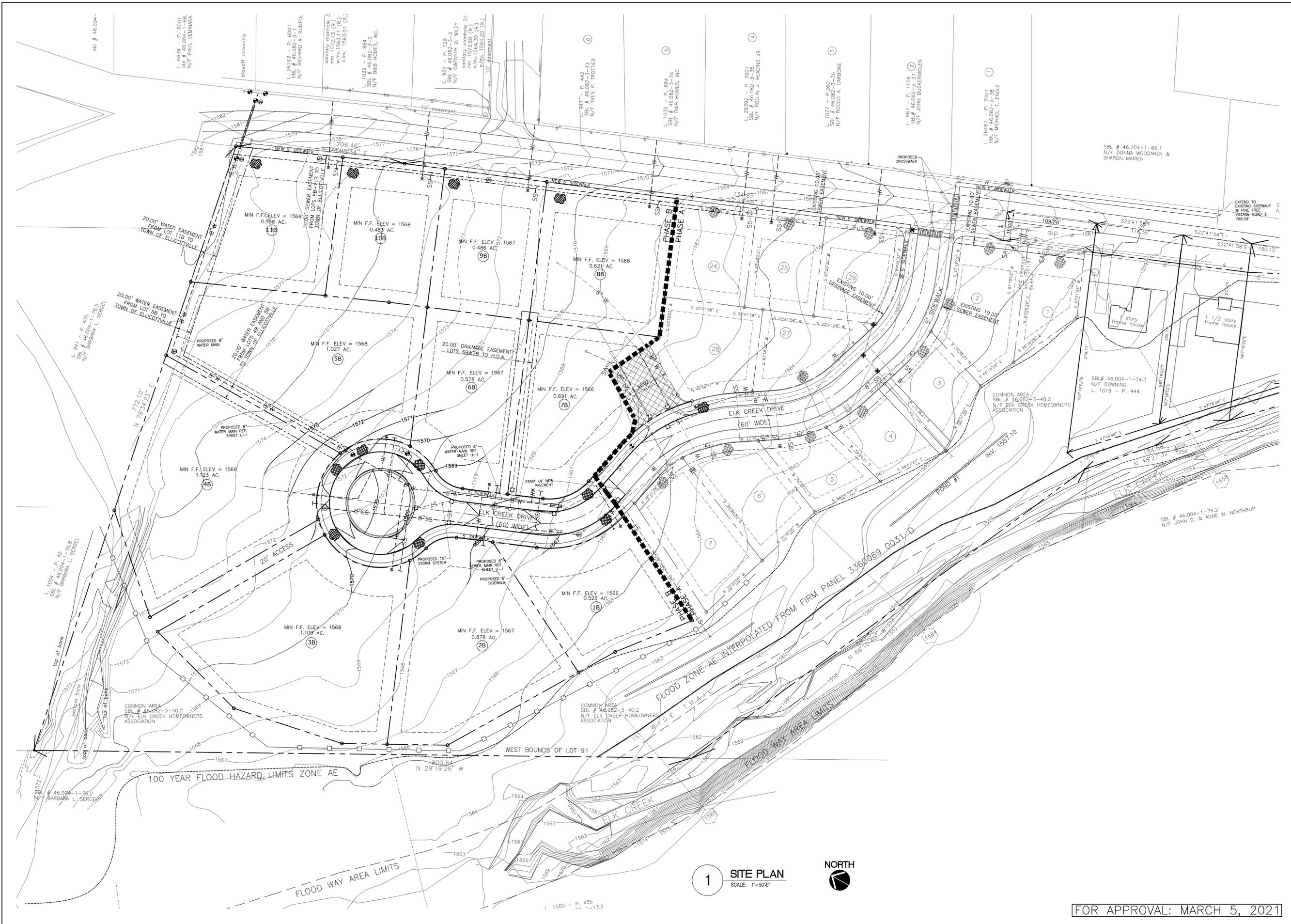
Hannon Engineering, P.C.
 Civil Engineering, Structural Engineering
 283 Walwood Avenue, Salamanca, New York 14779-9549
 (tel. (716) 945-3128 email: hannoneng@aol.com

Designed By: Hannon
 Drawn By: Spry
 Checked By: Hannon
 Date: November, 2020
 Scale: As Noted

IT IS A VIOLATION OF TITLE VIII OF THE NYS UNIFORM JOINT PROFESSIONAL ENGINEER TO ALTER AN ITEM IN ANY WAY IF ANY ITEM PROFESSIONAL SHALL AFFIX HIS/HER SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY HIS/HER SIGNATURE AND DATE AS THE ALTERATION.

Revisions:

Elk Creek Subdivision
Phase B - Revised
Maples Road
Ellicottville, NY 14731
PRELIMINARY PLAT



1 SITE PLAN
SCALE: 1"=50'-0"

Hannon Engineering, P.C.
Civil Engineering / Structural Engineering
233 Wilwood Avenue, Bala Cynwyd, PA 19004
Tel: (761) 945-3128
email: hannon@hannoneng.com



Elk Creek, Inc.
P.O. BOX 669
Ellicottville, NY 14731

Designed By:	Hannon
Drawn By:	Spry
Checked By:	Hannon
Date:	November, 2020
Scale:	As Noted

IT IS A VIOLATION OF TITLE VII OF THE NYS UNIFORM JUDICIAL CONSTRUCTION CODE UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER TO ALTER AN ITEM IN ANY WAY. IF ANY ITEM IS ALTERED, THE PROFESSIONAL ENGINEER'S SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY HIS/HER SIGNATURE AND DATE AS WELL AS A DESCRIPTION OF THE ALTERATION SHALL BE PLACED ON THE DRAWING.

Revisions:	
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Elk Creek Subdivision
Phase B - Revised
Maples Road
Ellicottville, NY 14731
SITE PLAN

FOR APPROVAL: MARCH 5, 2021