

**TOWN OF ELLICOTTVILLE
PLANNING BOARD MEETING MINUTES
Monday, October 24, 2022 at the Town Center at 6:00 p.m.**

PRESENT: Richard Dayton, Chairman
Gary Mathe, Member
Robert Poole, Member
Timothy Zerfas, Member

ALSO PRESENT: Gregory Keyser-Town Planner, Travis Widger-Applicant (Holimont)
Haley Saunders-Law Student

Mr. Richard Dayton, Chairman called the meeting to order at 6:00 p.m.

The Minutes of the September 26, 2022 meeting were read. Corrections were made.

**Moved by Mr. Zerfas to approve the Minutes of September 26, 2022 as corrected.
Seconded by Mr. Mathe. Ayes all. Carried.**

OLD BUSINESS

TZP-2022-077 - 8030 Jackman Hill Rd-Cellular Antenna Colocation

Mr. Keyser advised that due to publishing issues with the Public Hearing Notice the public hearing for the addition of cellular antenna to the existing tower on Jackman Hill Road will not be held at this meeting and needs to be rescheduled for the November meeting.

**Moved by Mr. Poole to set a public hearing for TZP-2022-077, 8030 Jackman Hill Road, Special Use Permit to colocate telecommunications equipment on an existing telecommunications tower on Jackman Hill Road for November 28, 2022 at 6:00 p.m.
Seconded by Mr. Mathe. Ayes all. Carried.**

NEW BUSINESS

TZP-2022-183 - Holimont, 6921 Route 242-Sign Permit

Mr. Dayton presented TZP-2022-183, Holimont Ski Club, sign Permit Application.

Mr. Keyser presented his staff report on this proposal to replace the existing sign with a new fixed sign board and electronic display. The proposed sign will encompass approximately 6.5 s.f. (79" x 54") and will fit within the existing stone base. The proposed sign consists of two parts, a 79" x 42" fixed sign board and a 79" x 12" message board located below the fixed portion of the sign. The existing sign base is located approximately 40 feet from the center line of NYS Route 242. This will be a two-sided sign with 2 sign boards and 2 electronic displays.

The proposed sign is allowed with approval by the Planning Board in accordance with the standards for ground signs found in Section 12.1 (J)(I) of the Town Zoning Code as follows:

1. Being located closer to the right of way line than 30-feet.
2. Containing more than 3 colors.
3. Being between 32 square feet and 96 square feet.

The distance of the existing sign is approximately 40 feet from the centerline of the road. The applicant is proposing 4 colors and the Planning Board can approve a sign with more than 3 colors.

The standard for size is met for the combined area of the fixed sign and electronic message board and the existing stone base appears to meet the standard.

Mr. Keyser presented the Digital Display criteria in Section 12.1(J)((I)g and suggested it be included as conditions of approval.

Mr. Keyser noted that sign permits do not require a public hearing. The proposal is exempt from referral to the Cattaraugus County Planning board under Item 2 of the exemptions agreement between the Town and Cattaraugus County. Sign Permits approved by the Planning Board are discretionary decisions and subject to review under SEQR.

Mr. Travis Widger of Holimont advised that since he submitted the sign permit application the company designing the sign has submitted an alternate design with static display on the top section for consideration. The digital portion of the sign at the bottom is approximately 1/3 of the total sign area and will be for announcement of events. If Holimont decides to accept this alternate design what happens?

Mr. Dayton said you will have to apply for a new sign permit. We can only approve what you have submitted at this time. Any changes would require a new application. He also noted that internally lighted signs are not allowed. Lighting can shine up from the bottom or down from the top.

Mr. Dayton noted that the zoning allows 3 colors, but the Board can approve 4 colors if they feel it is acceptable. Board members agreed that 4 colors could be allowed.

Mr. Dayton asked can you have a way to tone down the digital display at night so as not to impair the vision of drivers on the road?

Mr. Widger said he does not think that is an option.

Mr. Keyser stated that the replacement of an existing sign does not exceed any Type 1 thresholds under SEQR and appears to meet the definition of a Type 2 action involving the replacement, rehabilitation or reconstruction of a structure or facility. The Planning Board should classify the project as a Type 2 action before acting on the sign permit.

Moved by Mr. Mathe to classify the project as a Type 2 action under SEQR. Seconded by Mr. Poole. Ayes all. Carried.

Moved by Mr. Mathe to approve the sign permit for a 6.5 square foot (79" x 54") ground sign with a 79" x 12" electronic message board at the bottom as presented in TZIP-2022-183 from Holimont Inc. at 6921 Rte. 242 with the following conditions:

- 1. The digital display is a portion of the sign that otherwise meets the standard of this law.**
- 2. The digital display does not take up more than 50% of the sign face area.**
- 3. The digital display is not changed more than twice per day.**
- 4. The digital display is static and does not contain animation or moving features.**
- 5. The digital display contains the minimum number of colors (4) needed to adequately convey the intended message.**
- 6. The digital display shall not display light of such illumination so as to cause glare or otherwise impair the vision of the driver or which results in a nuisance to a driver or abutters on neighboring properties.**
- 7. The sign containing the digital display is located in such a way that it does not cause a distraction or hazard to drivers.**

Seconded by Mr. Zervas. Ayes all. Carried.

OTHER BUSINESS

Mr. Keyser presented an update on the Special Use Permit for a Tier 3 Solar Energy System at 6902 Simmons Road. Last week he circulated a Notice of Intent to all Involved and Interested Agencies. This process has a 30 day period for the agencies to reply.

Mr. Dayton advised that he attended the Cattaraugus County Solar Regulation seminar and one of the topics presented is the future use of storage batteries and the need for municipalities to adopt regulations. Battery parks are being developed with large numbers of storage batteries.

Also discussed was the disposal of used panels. Typically a panel is good for 25 to 30 years. Solar Systems are changing them out at 15 to 20 years as new technology evolves. Landfills are not equipped to dispose of them. Currently they are being stored in warehouses.

Mr. Poole noted that there should be a custodial plan for projects. We don't want to see the Town left with the decommission of a site.

Mr. Keyser said that the applicant has to provide a bond to cover decommission costs.

Mr. Keyser advised that the Zoning Board of Appeals reviewed an application for a use variance for a 2.5 MW Solar Energy farm off of Quackenbush Road. They classified the project under SEQR and authorized the circulation of Letters of Intent to Involved and Interested agencies. They want the Town Planning Board to be the Lead Agency if possible. Recipients of the letters have 30 days to respond.

Mr. Dayton noted that the Planning Board has acted as Lead Agency before on projects. Mr. Keyser advised that there are a lot of issues on the property including designated wetlands, Great Valley Creek and part of the land is in the Conservation District which triggers the use variance.

Mr. Keyser presented the Village of Ellicottville Local Law for Short-Term Rentals and the Great Valley Local Law for Short-Term Rentals for review and discussion. The Town Board is asking for an opinion from the Planning Board with regard to adopting a Town Law for Short-Term Rentals.

Mr. Zerfas said the laws are similar but Great Valley is requiring renters insurance.

Mr. Poole said that he talked to Dan Brown of Great Valley and they are looking to adopt a law that is similar with a common theme in both towns.

Mr. Dayton said it would be a good idea to have continuity in the law between both municipalities.

Mr. Zerfas stated that Cattaraugus County has temporary residents rules and only addresses issues if they arise. He noted the need to require property owners to provide the Cattaraugus County Health Department with a water sample to prove that the water is potable.

Mr. Poole stated that there should be occupancy levels for safety.

Mr. Fredrickson advised that the Code Enforcement Officer inspects the rental property and quotes an occupancy level for the property. However there is no way to police the occupancy unless a complaint is received. There are currently over 400 short term rental properties in the Town of Ellicottville.

Mr. Keyser asked do you think it is time to adopt a law to regulate short term rentals?

Mr. Poole asked where do we draw the line? If a property is in violation is the Town liable?

Mr. Keyser stated that short term rentals are happening. Is it time to regulate them?

Mr. Dayton said since no complaints have been received is it an issue in the Town?

Mr. Keyser asked the Board members to review the Village law and the Great Valley law for further discussion at the November meeting.

Mr. Dayton advised that Mr. Mathe has submitted his letter of resignation from the Planning Board effective December 31, 2022 after serving for 16 years. We will be looking for a new member, if you know of anyone who wants to serve. The Town Board will interview any candidates and make the appointment.

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

The meeting was adjourned at 6:55 p.m.