

**TOWN OF ELLICOTTVILLE  
PLANNING BOARD MEETING MINUTES  
Monday, March 22, 2021 at the Town Center at 6:00 p.m.**

**PRESENT:** Richard Dayton, Chairman  
Sheri Barrera, Vice-Chairperson  
Caitlin Croft, Member  
Bonnie Koschir, Member  
Gary Mathe, Member  
Robert Poole, Member

**ALSO PRESENT:** Gary Palumbo Town Planner, Nicholas Fattey-Applicant,  
Shelby Toth-The Villager

Mr. Richard Dayton, Chairman called the meeting to order at 6:00 p.m./and opened the public hearing for **TPB-2021-12 Fattey Brew Company Ellicottville, 6696 Route 219 North Special Use Permit for retail/tasting room.**

Mr. Palumbo advised that this is a Special Use Permit application to convert the existing gym to a combined General Retail Establishment and Bar (zoning land use categories) commonly referred to as a package store and tasting room. It appears that New York State Liquor Authority requirements are met. However, this has no bearing on the Special Use Permit process.

The proposal is classified as an Unlisted Action Under SEQR Part 617. The Planning Board must review a Short EAF Part 1 and consider Parts 2 and 3 after the public hearing is closed and prior to taking action.

No written or verbal comments were received in response to the public hearing notice which was published in accordance with local law.

Mr. Dayton asked for questions or comments from the people attending. Nothing was submitted.

**Moved by Ms. Barrera to close the public hearing for TPB-2021-12, Fattey Beer Company Ellicottville, Special Use Permit for retail/tasting room. Seconded by Ms. Koschir. Ayes all. Carried.**

**TPB-2021-12 Fattey Beer Company Ellicottville  
Special Use Permit retail/tasting room**

Mr. Palumbo noted that the property is in the General Commercial District. It is understood the existing sign structure will be reused. The Special Use Permit is separate from a sign permit; which will be required from the Code Enforcement Officer.

Cattaraugus County Planning Board completed its 239 Referral review noting that the proposal does not have any significant county-wide impacts and is a local concern.

Based on the information available, it appears the proposal meets the Town Comprehensive Plan and general intent of the Zoning and the applicable criteria in Section 6.4.

Mr. Palumbo advised that he reviewed SEQR EAF Part 1 and prepared Part 2 and found no significant impacts. He offered motions for the Board to consider.

**Moved by Ms. Barrera that based on review of Short Environmental Assessment Form the Planning Board makes a Determination of Non-significance documenting that the proposed action will not result in significant adverse environmental impacts and issues a Negative Declaration. Seconded by Mr. Mathe. Ayes all. Carried.**

**Moved by Ms. Barrera that the Action (Special Use Permit) establishing a General Retail Establishment and Bar (package store and tasting room) at 6696 Route 219 North (TPB-2021-12) meets the zoning requirements and approval is granted with the following condition: Sign regulations in Section 12 of the Town Zoning Code will be adhered to. Seconded by Ms. Koschir.**

#### **TPB-2020-104 Elk Creek Subdivision- Phase B Preliminary Subdivision Review**

Mr. Palumbo advised that the public hearing was held on February 22, 2021 and the Board received comments (from the adjoining owner). The applicant is working on revising the plans to address comments and engineering issues. He will contact involved agencies for the SEQR (Coordinated Review).

#### **MINUTES**

The Minutes of the February 22, 2021 meeting were read. Corrections were made

**Moved by Ms. Croft to approve the Minutes of February 22, 2021 as corrected. Seconded by Mr. Mathe. Ayes all. Carried.**

#### **Comprehensive Plan-Annual Review and Implementation Actions**

Mr. Palumbo presented Chapter 9 Implementation of the Comprehensive Plan for review. He noted that he made the changes submitted by the committee and offered the Table of Implementation Actions for consideration and asked the committee to pick a few priority actions to recommend to the Town Board.

Ms. Barrera stated that the Solar Law does not include stand alone battery systems. She attended a seminar on solar that suggested a separate law for stand alone battery storage systems which she thinks we should consider.

Ms. Kosher noted that a solar farm located in Great Valley could have a battery storage system in Ellicottville.

Mr. Palumbo said there also are battery storage systems that have nothing to do with wind or solar farms.

Mr. Dayton noted that if we do not address an issue in the Comprehensive Plan or Zoning Code it is not permitted.

Mr. Dayton referred to Item LZ-5a and suggested we consider limited retail commercial activities in the Agricultural-Residential District.

Mr. Palumbo noted that stores are only allowed in the Commercial District currently. Eighty percent of the Town is in the AR District. We do allow farm stands. Should we allow small scale retail stores not typically found closer to the village? We don't want to have to rezone in order to allow something.

Mr. Poole gave examples such as converting a garage for fishing outfitter or reloading ammunition for a sportsmen's club.

Mr. Dayton advised that this should not only cover the conversion of an existing building but a new construction such as a lawn mower shop.

Mr. Palumbo noted that we could Special Use Permits (in the AR District) for specific uses or we can expand the list of uses allowed as Home Retail.

Ms. Croft noted we need to continue to follow Cattaraugus County and NYS DOH DWSP2 (Drinking Water Source Protection project. And recommend to Town Board that Ellicottville "volunteer" to participate in NYSDOH-funded wellhead protection study/plan.

Ms. Croft stated that we should identify a site, funding and means to construct park and ride or shuttle lots along with bike amenities to the Ellicottville/Great Valley Trail.

Mr. Palumbo advised that we need to implement the zoning map changes previously recommended to the Town Board (in conservation district along 219, 242 and 240).

Mr. Dayton asked are our statistics current?

Mr. Palumbo said that he used the 2018 census figures to update the information and will use the 2020 census figures when they are published to update again.

**Moved by Ms. Croft to adjourn. Seconded by Mr. Poole. Ayes all. Carried.**

The meeting was adjourned at 6:45 p.m.