

**TOWN OF ELLICOTTVILLE 8**  
**PLANNING BOARD MEETING MINUTES**  
**Monday, April 26, 2021 at the Town Center at 6:00 p.m.**

**PRESENT:** Richard Dayton, Chairman  
Caitlin Croft, Member  
Bonnie Koschir, Member  
Gary Mathe, Member  
Robert Poole, Member  
Timothy Zerfas, Member

**ALSO PRESENT:** Gary Palumbo-Town Planner, Kelly Fredrickson-CEO, Mark Dean-Applicant-Tiny Homes, Pat Ogolny-Tiny Homes, Jim Hanson-Hanson Engineering, Paul Timkey-Applicant-Elk Creek, Shelby Toth-The Villager

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

**TPB-2021-09-Tiny Homes Village (motel)**  
**Special Use Permit, Site Plan Review**

Mr. Palumbo presented his staff report on this application for Special Use Permit and Site Plan Review for multiple lodging structures (similar to a motel) for short-term rental. There are 11 structures in various sizes from 10'x28' (280 s.f.), 18'x18' (324 s.f.), 11'x36' (396 s.f.) and 20'x40' (800 s.f.). They are arranged along a private drive/parking with a single access off State Route 242 west. The property will not be subdivided and will remain in one ownership.

It appears the applicable dimensional requirements can be met with revisions to the Site Plan regarding the following issues:

1. The Site Plan submitted electronically on March 19, 2021 is different from the hardcopies dated March 24. The later drawings were reviewed by Planning. This inconsistency must be resolved prior to setting the public hearing.
2. Parking circulation. Without seeing how many bedrooms are provided in each of the structures, it is difficult to determine if an adequate number of parking spaces is provided.
3. Setback to parking. The side yard and front yard setbacks are not met for the parking and drives as required in Section 3.9.B. The Side yards shall be 25 feet and the front setback for parking is at least 20 feet.
4. Driveway and parking aisle widths; The driveway and parking aisles are shown at 11 feet, 14 feet and 20 feet. Section 5.3.F. requires a 24-foot aisle for 90-degree parking. Aisle width may be reduced for angled parking, but with only point of access reduction below 20 feet should not be accepted. NYS Fire Code requires a minimum of 20 feet. Parking for more than 4 cars needs to be striped.

5. Snow storage. Adequate (accessible) snow storage areas need to be provided in accordance with Article 5.3. A minimum of 10% of the hard surfaced area should be in snow storage. Calculations should be provided on the site plan or landscape plan
6. The decks on 4 buildings are in the floodplain and should be removed or a Floodplain Development Permit application should be prepared.
7. Residential buffer. A light tight fence needs to be provided along the side lot line per Section 5.3.G. Fencing should be shown on the site plan and the landscape plan.
8. Lighting. Light poles should be shown on the site plan and landscape plan. The poles shown on the west property line and within 5 feet of the east property line should be shifted inward to reduce the light trespass on the neighboring properties to less than 0.1 footcandle within 5 feet of the property line.
9. Verizon Easement. It is not the Town's responsibility to ensure the conditions of their easement are met, it is noted that there is parking provided over an easement to Verizon.
10. Floor plans and Elevations. The hard copies did not include building elevations.
11. Sign. The site plan should show where signage will be located.

Existing water and sewer utility lines were constructed for the previously approved "Deer Creek" townhouse project. These existing in-ground water and sewer facilities were designed and constructed for a townhouse subdivision project where each unit would have its own service of the public line. The applicant plans to take the public utilities back from the water and sewer districts. This requires Town Board approval.

The proposal is classified as an Unlisted Action under SEQR Part 617 and the Planning Board must review a Short EAF Part 1. A 239-m referral to the Cattaraugus County Planning Board will be required.

Mr. Palumbo offered the April 21, 2021 comments from Ben Slotman, Town Engineer on the water system including the need for an access easement to the PRV pit, the proposal to modify the existing water system to serve their development and the request that the Town abandon the water system and return the infrastructure to the developer, the capping of the west end of the existing water main, compliance to water and sewer regulations, grading and drainage plan and following all local, state and federal flood plain laws and regulations.

Mr. Mark Dean, representing the applicant presented the proposal for 11 units. Each unit will have a single bedroom, bath and kitchen on the first floor with a small loft with sleeping area on the second. There are no multiple family units. Due to the setback issues we moved the parking to the side. Based on the comments from Mr. Palumbo and Mr. Slotman we decided to abandon the infrastructure on site.

Mr. Dean presented new site plans, elevation drawings and floor plans which allow the utilities to meet the setbacks. The building footprints will be the same. The center driveway is now a walking path. The new driveway is 22 feet wide. The 1.A4 acre site has 18,000 s.f.

of building footprint. The proposed decks are now 1 foot above the floodplain allowing water flow. We are not filling in the floodplain. 20 parking spaces are provided.

Ms. Kosher asked what is the width of the parking spaces?

Mr. Dean said 9 feet wide.

Mr. Dean noted that 13 feet of area is provided along the fence line for snow storage.

Mr. Dayton noted that the maximum occupancy would be 11 families or 44 people.

Mr. Dean said the amenities and price point are geared toward families.

Mr. Palumbo advised that we need to make sure there is enough parking on site. How far is the last building from the parking lot?

Mr. Dean said approximately 25 feet. We will meet the maximum distance required for the hydrant.

Mr. Palumbo noted that the Town Engineer expressed concern with sidewalks and connection to the sidewalk along Route 242.

Mr. Dean said the plan is to connect to the sidewalk on Route 242. The walking path will be blacktop and the parking area asphalt.

Mr. Dayton asked if there will be a dumpster area?

Mr. Dean said that location will have to be determined. We may have to lose a parking space. Is it allowed in the setback?

Mr. Dayton asked, will the site be ADA compliant?

Mr. Dean said yes.

Mr. Palumbo advised that he does not know how long it will take to abandon the utilities.

Mr. Dayton noted that the electric lines run overhead through the site.

Mr. Poole noted that unit #10 is close to the easement with the line overhead.

Mr. Dean said we will not run the electric lines over the buildings, but will move them over the walkways.

Mr. Poole asked will utilities be buried underground?

Mr. Dean said yes.

Mr. Dayton stated that this is a better plan and it meets the setbacks.

Mr. Dean asked if the public hearing could be set for the May meeting as there are penalties connected to the option to purchase?

Mr. Dayton said we can set the public hearing (at May meeting) for the June meeting if you provide complete plans in time for the Town Planner and Town Engineer to review them.

Ms. Kosher asked if we hold the public hearing at the June meeting can we approve it at that meeting?

Mr. Palumbo said yes if everything is in order. There were enough issues to drive a new site plan in April. I do not know the process to abandon the utilities as it is not a Planning Board issue. Are approvals from Cattaraugus County Health Department and NYSDOT required along with the Town Board?

**TPB-2020-104- Elk Creek Subdivision- Phase B  
Engineering Review for Preliminary Subdivision Plans  
SEQR Coordinated Review**

Mr. Palumbo presented his staff report on this 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. All lots meet the applicable zoning requirements for the High Density District. The proposed extension of Elk Creek Drive will add approximately 920 feet to the existing 540-foot road. The cumulative length exceeds the (1,000 foot and 12-lot) guidelines in Section 3.2(B)(4). 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).

The plans indicate that sidewalk will be extended from its current terminus on the east side of Maples Road at Pine Tree Road and continues on 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.

Since the public hearing on February 22, 2021 the applicant met with the Town Engineer and the Highway Superintendent to discuss the Town's preference for a larger cul-de-sac in order to provide more room to maneuver their equipment and to manage snow removal. The plans have been revised.

Mr. Palumbo offered the April 20, 2021 comments from Ben Slotman, Town Engineer on the 20 foot wide cul-de-sac, gutter and curb, the widened ROW, the proposed waterline, the proposed sewer extension, the stormwater collection, the grading and drainage plan, development of a SWPPP, plans showing the proposed sidewalk, and the alignment of electric, gas, telephone and CATV. The proposed development should follow all local, state and federal flood plain laws and regulations. The applicant should approach the Town Board for abandonment of existing utilities and ROW.

Other review comments and ultimate approval may be required from the Town Highway Superintendent, Fire Department Chief, County Health Department, County DPW and NYS DEC.

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

This proposal is classified as an Unlisted Action under SEQR Part 617. The Planning Board has the Full EAF Part 1. A coordinated review letter was sent to the other involved agencies. The NYSDEC, Cattaraugus County Health Department and Cattaraugus County DWP have all concurred that the Town of Ellicottville Planning Board should serve as the SEQR Lead Agency. Prior to taking action on the Preliminary Plat the Board should act to classify the proposal as an Unlisted Action and make a Determination of Significance.

Mr. Palumbo offered the following findings: In accordance with Section 2.3(B)(3), the Planning Board has reviewed the Preliminary Plat dated November 2020 and received March 19, 2021 and determines the plan meets the standards of the Subdivision Regulations including the following standards:

- The proposed lots are of a suitable size and arrangement so that they can be used for the intended development purpose.
- The proposed road, utility and lot layout is suitable to the topography of the site, particularly as it applies to accessibility and constructability.
- Pedestrian access, if applicable, is adequate to serve the site and connects with off-site sidewalks and/or trails.
- The arrangement, location, grade and width of roads is adequate to serve the site and the proposed use of the site, to facilitate fire protection and emergency vehicle access, and to provide access of firefighting equipment to buildings. Requested changes were made.
- The project does not impede the future development of adjacent lands.
- The proposed water supply system is adequate to serve the site and sufficient water supply is available for both adequate fire protection.

Prior to action on the Final Plat, the proposed sanitary sewage disposal system will be documented to be adequate to serve the site and sufficient downstream capacity exists in the system and treatment facilities to accept the expected flows from the project. Prior to action on the Final Plat, the proposed stormwater and drainage plans including a SWPPP will be finalized and approved

Mr. Palumbo advised that comments related to the subdivision plans from Town Engineer and other agencies must be addressed prior to final plat approval, but are not likely to result in significant changes to the plat map. A conditional Preliminary Plat approval is appropriate at this time. He offered motions for the Board to consider.

**Moved by Ms. Koschir that based on review of Full Environmental Assessment Form the Planning Board makes a Determination of Significance documenting that the proposed action will not result in significant adverse environmental impacts and issues a Negative Declaration. Seconded by Ms. Croft. Ayes all. Carried.**

**Moved by Ms. Croft that in accordance with Section 2.3(B)(3) of the Subdivision Regulations, the Planning Board moves to approve the Preliminary Plat for the Elk Creek Subdivision Phase B as presented on the preliminary plat and preliminary subdivision plans dated November 2020 and received March 19, 2021 (46.082-3-40.1) showing 11 lots ranging in size from 21,058 s.f. to 48,901 s.f. This approval is granted with the following conditions:**

**Prior to action on the Final Plat all applicable comments and revisions recommended by the NYSDEC, Cattaraugus County DPW and Health Department and Town Engineer including, but not limited to:**

- **Landscape Plan**
- **SPDES permit and SWPPP plan**
- **NYSDEC Sewer approval**
- **Floodplain Development permit**
- **Sidewalk plans**

**Must be met. Seconded by Mr. Zerfas. Ayes all. Carried.**

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

The meeting was adjourned at 7:00 p.m.