

# Town of Ellicottville Comprehensive Plan 2018 Update

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# Town of Ellicottville Comprehensive Plan

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# **Chapter 1**

## **Introduction**

# Chapter 1

## Introduction

### 1.1 Purpose of this Plan

In 1990, the Town of Ellicottville conducted an extensive planning process, which resulted in the completion of the Town's 1990 Master Plan Report, which then served as the primary policy guide to development in the Town until 2006. In June 2006, a substantially re-written Comprehensive Plan (the Plan) was adopted. In 2009, 2011 and 2012 issue-specific amendments were adopted.

Good planning practice and New York State law dictates that a community's comprehensive plan should be reviewed periodically. In order to review and update its planning policies and framework for development, the Town has undertaken this review and amendment. This planning effort is intended to identify key subject areas that need to be updated in order to reflect current development trends, new social and environmental concerns, and to incorporate the newest (applicable) management strategies.

The intended result of this planning process is the best possible environment for the residents and visitors of the Town of Ellicottville. The intent of the Plan is to balance preservation of the rural character of the community and protection of the environment, while at the same time fostering and encouraging appropriate development. The primary objective of this Plan is to formulate public policy for the effective and harmonious physical, economic, and social development of the Town. The Plan seeks to promote the public health, safety, convenience, and general welfare of the community. In doing so, the Plan seeks to foster a proper balance among diverse requirements. Hence, it takes into consideration community need, physical and economic constraints to development, goals of the community, and the natural and manmade environment.

This Plan is expected to serve as a guide and framework for development for the next decade. The overarching purpose of the Plan is to provide a rational basis for public policies and decision-making and to encourage orderly development and land use change that is in accordance with the policies contained within this document. This Plan will also serve as the basis for developing future amendments to the Town's zoning ordinance and other land use regulations.

### 1.2 Authority

Section 272-a of New York State Town Law authorizes towns to prepare a comprehensive plan. This section states that the "*town comprehensive plan is a means to promote the health, safety and general welfare of the people of the town and to give due consideration to the needs of the people of the region of which the town is a part.*" This Plan has been prepared with these objectives in mind.

### 1.3 Content

The primary purpose of this review is to confirm and refine goals and objectives, update an inventory of land use and resources, and formulate appropriate recommendations and implementation strategies. This Comprehensive Plan is presented in ten chapters. The first chapters (2-6) are primarily inventory and analysis. The Goals and Objectives (Chapter 7) and Future Land Use Plan and Recommendations (Chapter 8) provide the latest policy guidance for future growth and development. Three new chapters have been added to include Recommendations and Implementation Strategies (Chapter 9), and Periodic Review (Chapter 10).

### 1.4 Summary of Changes

The following list summarizes the key changes made to the Town of Ellicottville Comprehensive Plan since the last amendments in 2012:

- Added sections 1.3 Content and 1.4 Summary of Changes to Chapter 1 to summarize chapter contents and key changes made to the Plan
- Included several new maps in Chapter 2: Aerial Imagery, Streams and Aquifers, Wetlands, FEMA Floodplains, and Cultural Resources (Historic and Archaeological)
- Included a new Existing Land Use Map in Chapter 3
- Updated tables in Chapter 3 summarizing Existing Land Use and Ownership of Residential Properties
- Updated tables and corresponding narratives in Chapter 4 Economic and Demographic Characteristics and Trends
- Added description in Chapter 4 of the Western New York Regional Economic Development Council and its use of the Consolidated Funding Application as an economic development tool
- Added section in Chapter 4 and table discussing Occupied Housing vs. Vacation Homes
- Added Endnotes with definitions to Chapter 4
- Added Section 5.7 describing the recently combined Town/Village Engineering Department
- Updated and expanded discussions in Sections 5.12 and 5.13 on sewage collection and treatment needs as well as drinking water supply and treatment
- Added a section discussing parking in Chapter 6

- Section 7.3: Added an objective to designate Great Valley Creek as an inland waterway eligible for planning funds under the NYS Local Waterfront Revitalization Program
- Section 7.3: Added an objective to locate intensive or high-density development in existing public water and sewer districts and proximate to the Village or other developed areas
- Section 7.4: Added an objective to increase employment opportunities and implement the economic development projects identified in the 2018 DRI
- Section 7.4: Added an objective to support the implementation of the EVGV Trail Master Plan
- Section 7.5: Added an objective to promote a variety of housing types in terms of style and affordability
- Section 7.6: Added an objective to coordinate with the Village and NYSDOT to facilitate expansion of sidewalks and pedestrian access
- Updated the Comprehensive Plan Map (Future Land Use) in Chapter 8.
- Added a statement in Chapter 8 about the current Conservation District buffer being overly restrictive for local residents and small businesses that front along certain sections of Route 219 outside of steep slope or wetlands areas.
- Added recommendations in Chapter 8 to update the Comprehensive Plan Map, investigate changes in land use controls to allow more uses in the 100-foot buffer, and encourage private initiatives by developers in the preservation and enhancement of scenic corridors and sensitive areas.
- Added recommendation in Chapter 8 to consider amendments to land use controls that better balance interests in protecting agriculture, preserving sensitive natural resource corridors, and still allow new development
- Added a statement in Chapter 8 about the Town Board support for the 2017 inclusion of Route 219 in the Western New York Scenic By-Way
- Added recommendations in Chapter 8 to review updates to existing sign regulations to keep up with new technologies, and to confirm with NYSDOT if Scenic By-Way rules conflict with existing or proposed amendments to the sign regulations
- Added a section on Solar Power, including utility-scale and residential
- Added a paragraph discussing density vs. yield in zoning
- Removed the section on PUD

- Created Chapter 9 Implementation to discuss implementation of goals and recommendations, including a table summarizing implementations
- Added Chapter 10 Periodic Review to summarize the benefit of annual review, responsibilities, annual monitoring and reporting progress, and Five-Year Review and Update

## **Chapter 2**

# **Physical Setting**

# Chapter 2

## Physical Setting

### 2.1 Slopes

The Town of Ellicottville is located in the rolling northern foothills of the Appalachian Mountain range as shown on the Aerial Imagery Map (located at the end of this chapter). The topography was formed by glacial activity and sediment infill, and is characterized by flat-bottomed valleys and rolling upland hills. The topography of the Town is grouped into four categories: gentle slope (0%-10%), moderate slope (10%-15%), steep slopes (15% to 25%) and very steep (greater than 25%).

Approximately 30 percent of the land in the Town has slopes in the 0-10 percent category. Approximately 18 percent of the land in the Town has slopes in the 10-15 percent category. Approximately 31 percent of the land in the town has slopes in the 15-25 percent category. The remaining land, approximately 21 percent is located in the category of greater than 25 percent in slope.

The slope of a site may affect its suitability for some types of development. Areas containing slopes of 0-10 percent are generally suitable for all types of development. Areas of moderate slope may require substantial grading to fit larger buildings. Care should be taken with development in areas with slopes in excess of 25 percent, since development in these areas has the potential to cause erosion both on and off site. In addition, access for emergency vehicles is an issue for development located on steeper slopes, since fire truck and emergency vehicle access could very well be compromised, especially in snow conditions.

In general, areas with a slope of 0-10 percent are located along the stream valleys, including that of the Great Valley Creek and Sommerville Valley Creek. Some ridgetops also have slopes in this category. Areas with steep (15-25%) slopes and very steep slopes (>25%) are located throughout the Town; many hillsides have areas in both slope categories.

### 2.2 Water Resources

There are several types of water resources in the town of Ellicottville. These include streams, some of which have been designated as protected streams; wetlands; and aquifers. These water resources are shown on the Streams and Aquifers Map and Wetlands Map (both located at the end of this chapter).

#### A. Streams

Ellicottville is located on a river basin divide. Most of the area in the Town drains south to the Allegheny River; however, the northwest portion of the Town drains into Lake Erie. The major stream system in Ellicottville is that associated with Great Valley Creek,

which drains into the Allegheny River. Minor segments of several streams that drain into Lake Erie are also located in the Town.

Generally, the land west of Route 219, from the northern part of Ellicottville to just south of Lindberg Road, is located in the Lake Erie watershed. Streams in this system include Mansfield Creek, which approximately parallels Lindberg Road. This segment of Mansfield Creek has its origins in a wetland located near US Route 219 and Lindberg Road. A tributary of Mansfield Creek is located north of Lindberg Road. These two creeks converge in the Town of Mansfield.

Two other streams that flow into Lake Erie have tributaries in Ellicottville. A small portion of a tributary of the South Branch Cattaraugus Creek runs west between Jackman Hill Road and Plato Road. A tributary of the Connoisarauley Creek runs parallel to US Route 219 and flows to the north. This tributary has a source in the wetland near Hebdon Road.

The remaining streams in Ellicottville are part of the Great Valley Creek watershed. Beaver Meadows Creek runs parallel to Beaver Meadows Road. This creek also has a source in a wetland located near Hebdon Road. Tributaries to the north and south of the Beaver Meadows Road flow into the Creek. Beaver Meadows Creek flows eastward until it enters a wetland located to the east of West Valley Road (County Road 32), where it is joined by a tributary flowing from the north, and begins to flow south, paralleling the West Valley Road. At Ashford junction the Beaver Meadows Creek joins with the Devereaux Branch to form the Great Valley Creek.

Great Valley Creek is the major water body in Ellicottville. It flows generally southwest to the village of Ellicottville. It flows through the Village and then generally southerly to Salamanca, where it enters the Allegheny River.

Great Valley Creek has several tributaries. Bryant Hill Creek generally flows parallel to Bryant Hill Road. It enters Great Valley Creek near the intersection of Bryant Hill Road and Route 242.

Elk Creek flows generally southeast, paralleling Maples Road (County Road 13). Plum Creek generally parallels Route 242 West, flowing southeasterly into Great Valley Creek. The Village of Ellicottville is located at the confluence of Great Valley Creek and these two tributaries.

Somerville Valley Creek flows southwest from Franklinville, crossing Hefferan Road, and then generally paralleling Somerville Valley Road. It enters Great Valley Creek in the Town of Great Valley.

In addition to these creeks and streams, the Town of Ellicottville contains numerous smaller watercourses that are generally tributaries to one of the streams described above.

## **B. Protected streams**

The New York State Department of Environmental Conservation (NYSDEC) administers the Protection of Waters Regulatory Program, which is established in NYS Environmental Conservation Law (ECL) Title 5 of Article 15. This program is designed to protect water

resources, including rivers, streams, lakes and ponds that are necessary for potable water; agricultural, commercial and industrial uses; and fish and wildlife habitats.

Under this program NYSDEC has evaluated all water resources within New York State according to a class and standard designation, based on existing or expected best usage of each water body or waterway segment. The classification AA or A is assigned to waters used as a source of drinking water. Classification B indicates usage for swimming and other contact recreation, but not for drinking water. Classification C is assigned to waters that support fisheries and are suitable for non-contact activities. The lowest classification is D. Waters with classifications of A, B, or C may also have a standard of (T), which indicates that the water resource may support a trout population, or a standard of (TS), which indicates that it may support trout spawning<sup>1</sup>.

Certain waters of the State of New York are protected based on their classification. Streams that are designated as C(T) or higher (C(TS), B or A) are referred to as "protected streams." These streams are subject to the stream protection provisions of the Protection of Waters regulations<sup>2</sup>. Some activities or development that may disturb the banks or bed of a protected stream require approval from NYSDEC.

NYSDEC has designated some of the steams, or segments of some streams, in the Town of Ellicottville as protected streams. These include but are not limited to:

- Connoisarauley Creek (C, C(T))
- Mansfield Creek and Tributary 10 of Mansfield Creek (C, C(T))
- Great Valley Creek (C, C(T))
- Beaver Meadows Creek (C, C(T)), including Tributary 1(also known as Nelson Creek), the segment between the Town of Ashford line and Beaver Meadows Road, and Tributary 2, a large system of branching creeks located between Kuhn Road and Irish Hill Road
- Devereaux Branch of Great Valley Creek (C, C(T)), from its mouth at Ashford Junction to 0.8 miles upstream of the mouth
- Sommerville Valley Creek, from the Town of Franklinville line south to a point just south of the intersection of Sommerville Valley Road and Smith Road

All of these streams and stream segments have a class of (C) and standard of C(T), and therefore are “protected”.

### **C. Wetlands**

Wetlands are valuable physical resources, which can provide flood control protection, surface and ground water protection, wildlife habitat and recreational opportunities. Some wetlands are protected under the New York State Freshwater Wetlands Act, which is administered by NYSDEC.

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<sup>1</sup> New York State Department of Environmental Conservation (NYSDEC). Protection of Waters Program: Applicants Guide. <http://www.dec.ny.gov/permits/6042.html>, accessed 2/20/2017 .

<sup>2</sup> NYSDEC, Page 1.

NYSDEC identifies and maps wetlands on the basis of vegetation because certain types of plants out-compete others when they are in wet soils, and therefore are good indicators of wet conditions over time.<sup>i</sup> Wetlands protected under the Freshwater Wetlands Act are a minimum of 12.4 acres, or otherwise show “unusual local importance”. Certain activities that occur in a designated wetland or within 100 feet of its boundary are regulated by NYSDEC.

NYSDEC has mapped five wetland areas in the Town of Ellicottville under the provisions of the Freshwater Wetlands Act. These are:

- EL-1, located adjacent to US Route 219, near Cotter Road
- EL-2, located on either side of Hebdon Road. This wetland is on the river basin divide. The part of the wetland located east of Hebdon Road drains into Beaver Meadows Creek, and eventually the Allegheny River. The portion of the wetland to the west of Hebdon Road drains to the Connoisarauley Creek and eventually to Lake Erie.
- WV-1, located between West Valley Road (County Road 32) and Kruse Road. Tributary 1 of Beaver Meadows Creek flows through this wetland.
- AS-2, located just south of WV-1 and just east of West Valley Road (County Road 32). Beaver Meadows Creek flows through this wetland.
- AH-1, located on the town line between Ellicottville and Ashford, just east of Hebdon Road.

The United States Fish and Wildlife Service (USFWS) also designates wetlands in the National Wetlands Inventory (NWI). NWI wetlands are identified by the presence of three characteristics: indicator vegetation, hydric soils and hydraulic conditions. The NWI identifies numerous wetlands in the Town of Ellicottville. Most of the NWI wetlands in Ellicottville are riparian wetlands.

It is important for land use planning purposes to understand where mapped and otherwise regulated wetlands are in the Town. Certain activities or development may require permit from the USACE or NYSDEC if located within a mapped NYSDEC wetland or its 100-foot adjacent area, or in a NWI wetland.

#### **D. Aquifers**

Aquifers are important reservoirs of ground water. The US Department of the Interior Geological Survey<sup>ii</sup> and NYSDEC<sup>iii</sup> have mapped aquifers in Western New York, which are shown on the Streams and Aquifers Map. A Principal Aquifer is defined as an aquifer known to be highly productive or whose geology suggests abundant potential water supply, but which are not intensively used as sources of water supply by major municipal systems at the present time. Sole Source Aquifers are designated by the U.S. Environmental Protection Agency as the sole or main source of drinking water for a community, under provisions of the Federal Safe Drinking Water Act. Unconsolidated Aquifers are defined as those in which ground water occurs under water-table conditions. These aquifers may have high permeability and have shallow depth to water table, making them particularly susceptible to contamination from point sources.

There are two aquifers in the Town of Ellicottville. The larger aquifer is associated with the Great Valley Creek. This aquifer begins just east of the confluence of Beaver Meadows Creek and Devereaux Branch and extends the entire length of Great Valley Creek in Ellicottville, and into the Town of Great Valley. The aquifer also extends up several tributaries of Great Valley Creek: Elk Creek, Plum Creek, and Sommerville Valley Creek. In general, the outer boundary of the aquifer is located at elevations between 1600 and 1700 feet, depending upon location. This aquifer provides the Town of Ellicottville's water supply. The Geological Survey estimated the yield of this aquifer at 25 to 250 gallons per minute (gpm). However, the Town and Village have three water production wells in this aquifer and they produce 400 gpm, 350 gpm and 500 gpm.

The smaller aquifer is located in the northeastern section of the Town, in association with Beaver Meadows Creek and wetlands WV-1 and AS-2. The Geological Survey estimated the yield of this aquifer at 5 to 50 gallons per minute (gpm).

### **2.3 Flood Hazard Areas**

Flood hazard areas are defined by the Special Flood Hazard Areas (SFHA), identified and mapped by the Federal Emergency Management Agency, (FEMA) on the Flood Insurance Rate Map (FIRM) for the Town of Ellicottville (Community Number 360069) and having an effective date of January 19, 2000. However certain panels have been further updated through FEMA's Letter of Map Revision process and have an effective date of February 4, 2015. These areas of flood hazard are shown on the FEMA Floodplains Map (located at end of this chapter). The SFHA is also known as the 100 year floodplain. Statistically, areas of flood hazard have a one percent chance of being inundated in any year.

The SFHA is divided by FEMA into a floodway and a floodway fringe. The floodway is the channel of the stream, plus any adjacent floodplain areas, that must be kept free of encroachment so that the 100 year flood can be carried without substantial increases in flood heights. The portion of the SFHA between the floodway and the boundary of the 100 year floodplain is known as the floodway fringe. Development within a regulatory floodway is severely restricted. Development within the floodway fringe is regulated to minimize damage to persons and property.

Most of the major streams in Ellicottville have floodplains associated with them. These include:

- Great Valley Creek, including the Devereaux Branch
- Beaver Meadows Creek
- Elk Creek
- Holiday Valley Creek
- Plum Creek

### **2.4 Soils**

Soil types within the Town are identified by the USDA Natural Resources Conservation Service (NRCS) Soil Survey<sup>iv</sup>. The most prevalent soils found in the Town of Ellicottville are listed

below. Descriptions of the characteristics of these soils are included as Appendix A. These soils make up approximately 90.5% of the area within the Town (inclusive of the Village) and are considered silt loams, gravelly silt loams, or channery silt loams.

<b>Soil</b>	<b>Acreage</b>	<b>Percent Within Town</b>
Ischua	6527	22.6%
Mardin	3508	12.2%
Volusia	2802	9.7%
Schuyler	1963	6.8%
Towerville	1724	6.0%
Yorkshire	1591	5.5%
Chadakoin	1301	4.5%
Mongaup	1226	4.3%
Chenango	1162	4.0%
Napoli	1055	3.7%
Salamanca	847	2.9%
Valois	487	1.7%
Pawling	419	1.5%
Valois-Volusia-Mardin Complex	419	1.5%
Willdin	407	1.4%
Wyalusing	337	1.2%
Almond	314	1.1%

The type of soil in an area may affect the suitability of that area to support development. The most prevalent soils in the Town are generally stable and suitable for construction. As a group, however, this soil series exhibits slow water percolation. This could potentially restrict the location of suitable septic tank absorption fields. Care should be taken in siting these facilities in accordance with current standards.

Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. In some areas, land that does not meet the criteria for prime farmland is considered to be "farmland of statewide importance" for the production of food, feed, fiber, forage, and oilseed crops. The criteria for defining and delineating farmland of statewide importance are determined by the appropriate State agencies. In New York, Farmland of Statewide Importance soils are the soils that do not meet all the criteria for Prime Farmland or Prime Farmland if Drained, but are in land capability classes 1, 2e, 2s, 2w, 3e, 3s, 3w, or 4w. Land capability classes are defined by the USDA according to the soil potentialities and limitations for sustained production of the common cultivated crops that do not require specialized site conditioning or site treatment.

Within the Town of Ellicottville, approximately 54.5 percent of the land is suitable farmland; 13.7 percent is classified as Prime Farmland, 39.1 percent is classified as Farmland of Statewide Importance, and 1.7 percent is classified as Prime Farmland if Drained.

Some soils that are classified as suitable farmland are also classified as hydric soils. Hydric soils are defined by the National Technical Committee for Hydric Soils (NTCHS) as soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part (Federal Register, 1994). These soils, under natural conditions, are either saturated or inundated long enough during the growing season to support the growth and reproduction of hydrophytic vegetation. Hydric soils are one of the essential characteristics of wetlands.

Of the land classified as Prime Farmland, 15.5 percent of the soils are classified as hydric; of the land classified as Farmland of Statewide Importance, 17.9 percent of the soils are classified as hydric; of the land classified as Prime Farmland if Drained, 13.2 percent of the soils are classified as hydric.

**Table 2-1:  
Farmland Classification in the Town of Ellicottville**

<b>Farmland Class</b>	<b>Acreage</b>	<b>Percent Within Town</b>	<b>Percent Hydric</b>
Prime Farmland	3,943	13.7%	15.5%
Farmland of Statewide Importance	11,280	39.1%	17.9%
Prime Farmland if Drained	486	1.7%	13.2%

## 2.5 Wildlife and Plant Habitat

Wildlife identified in the Town include white-tailed deer, black bear, coyote, red and gray fox, raccoon, opossum, porcupine, cottontail rabbit and numerous weasel, rodent, shrew and bat species. The Town's abundant undeveloped open lands, forest, streams, open water and wetlands provide suitable habitat for these species. These same habitats support numerous migratory and non-migratory bird species as well as reptiles and amphibians.

The U.S. Fish and Wildlife (USFWS) Information for Planning and Consultation (iPAC) website is a planning tool that provides information useful for potential projects. According to the USFWS website, there is one threatened mammal (northern long-eared bat) and 17 bird species of special concern in the Town of Ellicottville. Forest and forest-edge provide suitable roosting and breeding habitat for the northern long-eared bat. Projects anticipating extensive tree-cutting should be reviewed by the USFWS for potential impacts to this species and steps to avoid impacts.

The NYSDEC Environmental Mapper provides information on the presence of State-listed rare, threatened and endangered species, New York stream classifications (including trout streams), and State wetlands in the Town. Several streams in the Town are listed as State-protected trout streams. State wetlands are located in the northern half of the Town. The Mapper also indicates there are threatened and/or endangered animal species in the Town. The names and approximate locations of these species would require formal consultation with the NYSDEC Natural Heritage Program, which is typically required on a project-specific basis.

As development projects are proposed, consultations with the NYSDEC Natural Heritage Program and the United States Fish and Wildlife Service should be updated.

## 2.6 Historic and Archeological Resources

Excluding the Village of Ellicottville, there are two historic sites in the Town of Ellicottville that are listed on the National Register of Historic Places (NRHP). Bryant Hill Cemetery is located on Bryant Hill Road. This small cemetery, which is owned by the Town, was an active cemetery from 1824 through 1901. There are 47 known graves, including that of Justin Rust, a Revolutionary War veteran. The Bryant Hill Cemetery was listed on the NRHP in 2003. The John J. Aiken House, located on Poverty Hill Road, was added to the NRHP in 2013.

Within the Village of Ellicottville, the Town Hall, which was built in 1825, is listed on the NRHP, along with the Jefferson Street Cemetery. In addition to these individual listings, a large portion of the central business district consisting of 79 contributing buildings designated as the Ellicottville Historic District was added to the NRHP in 1991.

The State and National Registers of Historic Places are the official lists of buildings, structures, districts, objects, and sites significant in the history, architecture, archeology, engineering, and culture of New York and the nation. According to the NYS Office of Parks Recreation and Historic Preservation website, there are no restrictions placed on private owners of registered properties. Private property owners may sell, alter or dispose of their property as they wish. Registered properties and properties determined eligible for the Registers receive a measure of protection from the effects of federal and/or state agency sponsored, licensed or assisted projects through a notice, review, and consultation process. Owners of depreciable, certified historic properties may take a 20 percent federal income tax credit for the costs of substantial rehabilitation as provided for under the Tax Reform Act of 1986. Municipal and not-for-profit owners of listed historic properties may apply for matching state historic preservation grants.<sup>v</sup>

There are several areas in the Town and Village identified as Archaeologically Sensitive Areas by the NYS Office of Parks Recreation and Historic Preservation. Projects located within these areas that require new ground disturbance should be reviewed for potential impact to archaeological resources.

Cultural resources are key components of the environmental review for proposed projects. State and National Registers listed and eligible resources receive a measure of protection whenever state and federal agencies fund, license or approve projects in New York State. Review is conducted in accordance with Section 106 of the National Historic Preservation Act and Section 14.09 of the New York State Historic Preservation Act. It typically is the project sponsors responsibility to conduct these reviews and obtain clearance from the NYS Office of Parks Recreation and Historic Preservation.<sup>vi</sup> NRHP-listed sites and Archaeologically Sensitive Areas are shown on the Cultural Resources Map (located at the end of this chapter).

## 2.7 Scenic Resources

The rolling hillsides and river valleys in Ellicottville provide many opportunities for scenic vistas for both residents and visitors. Major roads into and through the Town follow the natural river valley corridors. The land along these corridors is either undeveloped or contains farmland and low density residential development, much of which is sited in wooded areas. Therefore, the views for travelers consist primarily of open meadows and wooded hillsides.

In 2004, the Comprehensive Plan Committee completed a Visual Resources Survey and policy of Visual Intrusions, which identified a number of view corridors and ridge lines in the Town as significant. These visual resources are described in Appendix B. These scenic resources are important to the community, which values the rural character of the Town. This is the reason that many residents choose to live in Ellicottville. The scenic resources contribute to the sense of community image and identity. In addition, the scenic resources are important to the economy of the Town, which is tourism-based. Preserving the scenic vistas will help to ensure that the Ellicottville remains a tourist destination. Potential visual intrusions to the significant ridgelines (wireless telecommunications facilities and wind energy generating systems) are described in Appendix C along with recommended policy.

Ridgetops, the tops of the ridgeline, are visual focal points. These can often be seen from more than one location in the Town. Preservation of visually prominent ridgetops free from highly visible development or clearing of vegetation is important to the community. However, it is recognized that there is a need to balance the preservation of scenic resources with development rights.

Visually prominent ridgelines are those that are visible from heavily travelled roadways. Driving is a leading form of passive outdoor recreation<sup>3</sup>. Therefore, it is important to preserve views from roads that are travelled by visitors to Ellicottville, and also by residents. Views from the ski areas and to the ski areas are also important.

In order to identify significant, visually prominent ridgelines a visual resources survey was conducted. This survey analyzed the ridgelines designated on the 1990 Master Plan Map as significant, and surveyed other areas of the Town to determine if additional ridgelines should be included. This analysis is contained in Appendix B.

Prominent ridgelines are shown on the Comprehensive Plan Map (located at the end of Chapter 8 – Future Land Use Plan). Prominent ridgelines are those visible from the following major transportation corridors and view points:

- US Route 219
- Proposed new Route 219
- Route 242
- HoliMont Ski Slopes
- Holiday Valley Ski Slopes
- Village Center

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<sup>3</sup> New Hampshire Office of State Planning. Technical Bulletin 10. Preservation of Scenic Areas and Viewsheds, page 1.

In addition to these transportation corridors and view points, the following roadways are considered to be significant based on the volume of general usage:

- Sugar Town Road
- County Road 71
- Route 240 (West Valley Road)
- Sommerville Valley Road

Some types of land uses that, due to their visual prominence, may have an adverse effect on these significant ridgelines are discussed in Appendix C.

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<sup>i</sup> New York State Department of Environmental Conservation, Freshwater Wetlands Program. Website last accessed August 23, 2017. <http://www.dec.ny.gov/lands/4937.html>

<sup>ii</sup> US Geological Survey - New York Water Science Center. Website last accessed July 2, 2018.

<https://ny.water.usgs.gov/projects/bgag/aquifer.maps/maps.html>

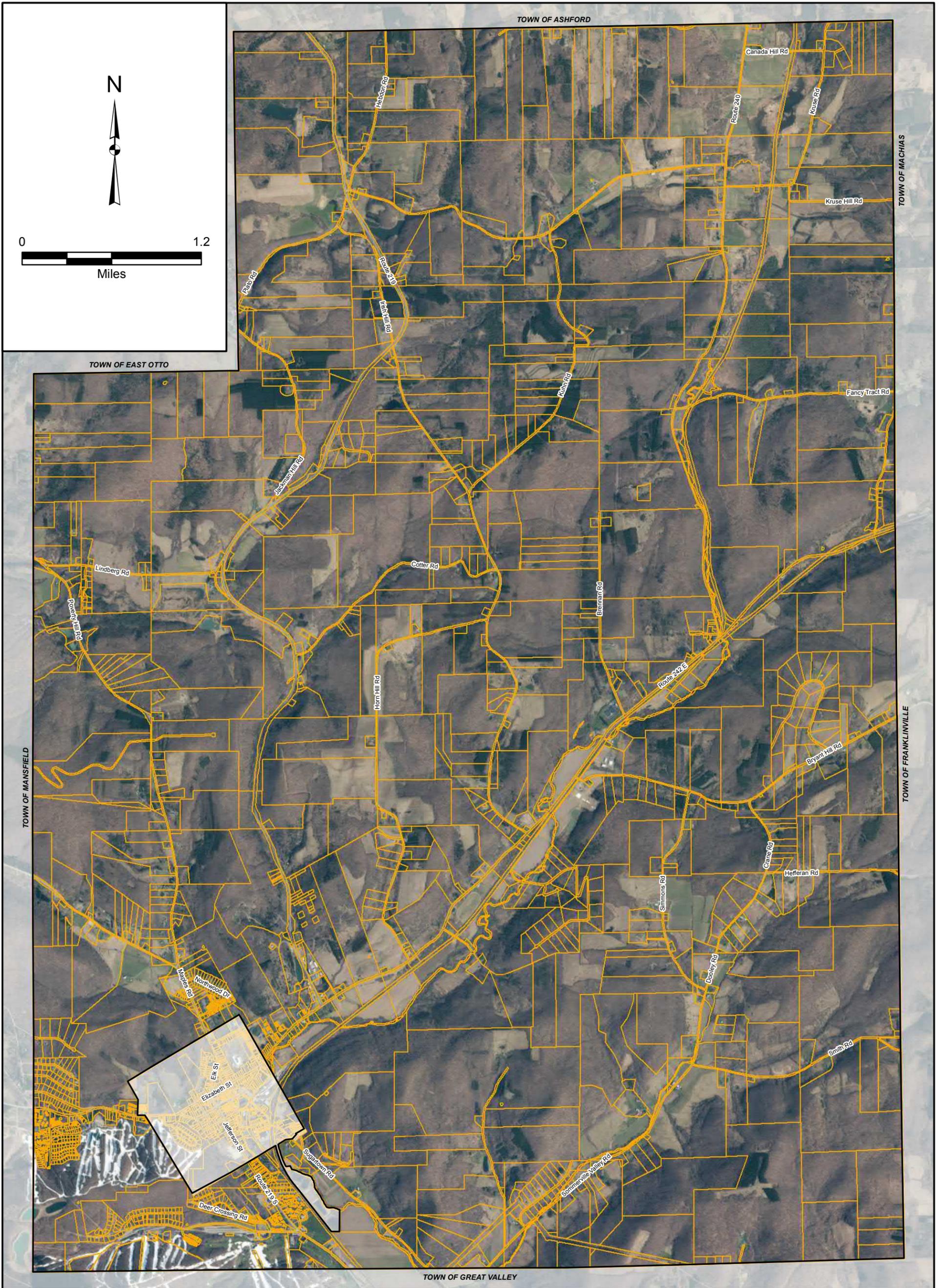
<sup>iii</sup> New York State Department of Environmental Conservation, Lands and Waters. Website last accessed August 23, 2017. <https://www.dec.ny.gov/lands/36119.html> and <https://www.dec.ny.gov/lands/36151.html>

<sup>iv</sup> NRCS. Web Soil Survey. Website last accessed July 3, 2018:

<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

<sup>v</sup> NYS Office of Parks recreation and Historic Preservation – State Historic Preservation Office, accessed July 2, 2018. <https://parks.ny.gov/shpo/national-register/>

<sup>vi</sup> NYS Office of Parks recreation and Historic Preservation – State Historic Preservation Office, accessed July 2, 2018. <https://parks.ny.gov/shpo/archeology/>



**AERIAL IMAGERY**  
**October 2018**

*Town of Ellicottville*  
 Cattaraugus County, New York

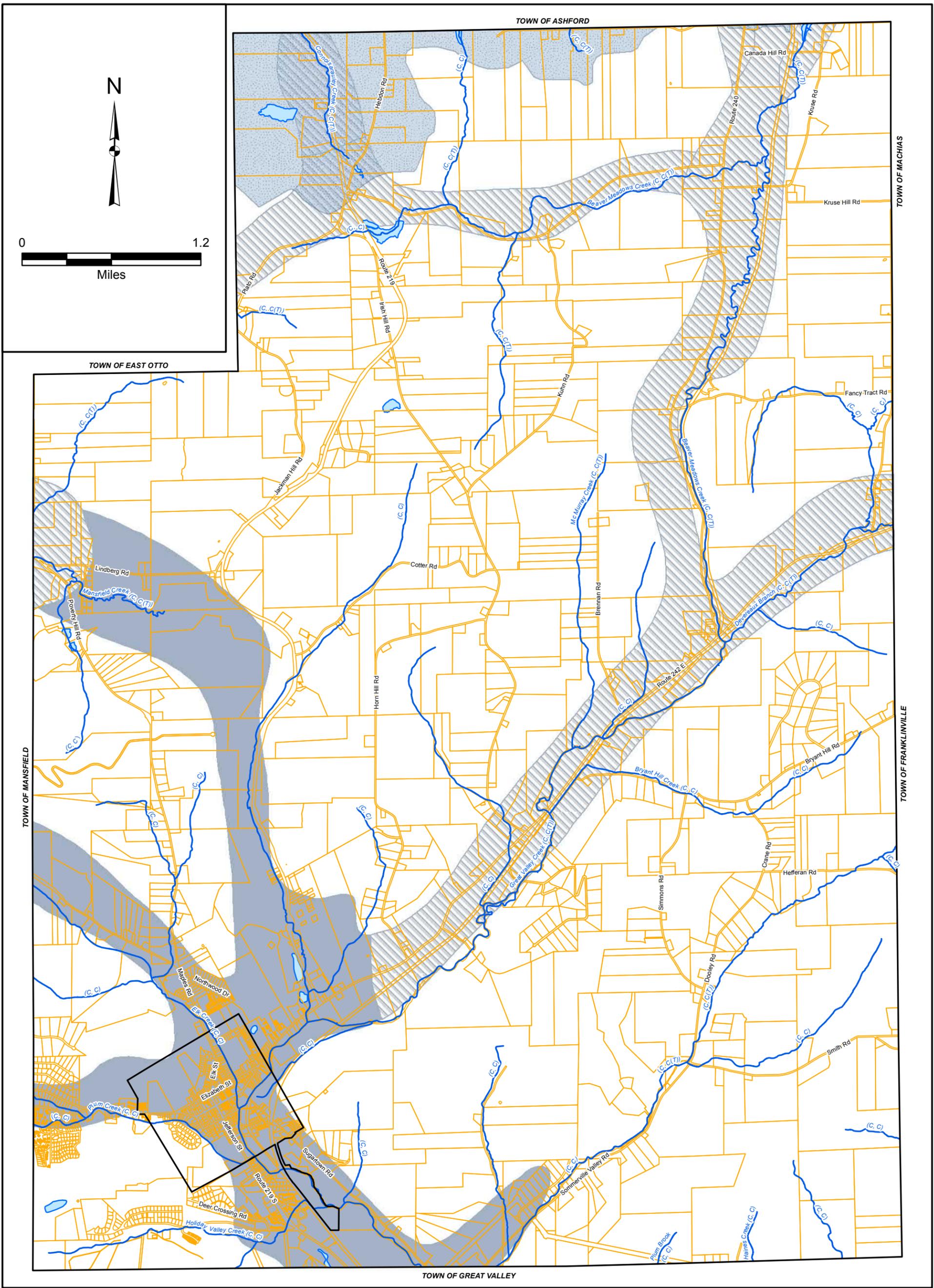
PREPARED FOR:  
 THE TOWN OF ELLICOTTVILLE  
 P.O. BOX 610  
 1 WEST WASHINGTON STREET  
 ELLICOTTVILLE, NY 14731

PREPARED BY:  
 AECOM  
 257 WEST GENESEE STREET  
 SUITE 400  
 BUFFALO, NY 14202

**LEGEND**

 Parcel

Sources:  
 Accident Location Information Service (ALIS), 2016  
 Cattaraugus County, Office of Real Property, Tax Parcel Data, 2017  
 Civil Boundaries (CSCIC), 2016  
 ESRI World Imagery



**STREAMS & AQUIFERS MAP**  
**October 2018**

Town of Ellicottville  
 Cattaraugus County, New York

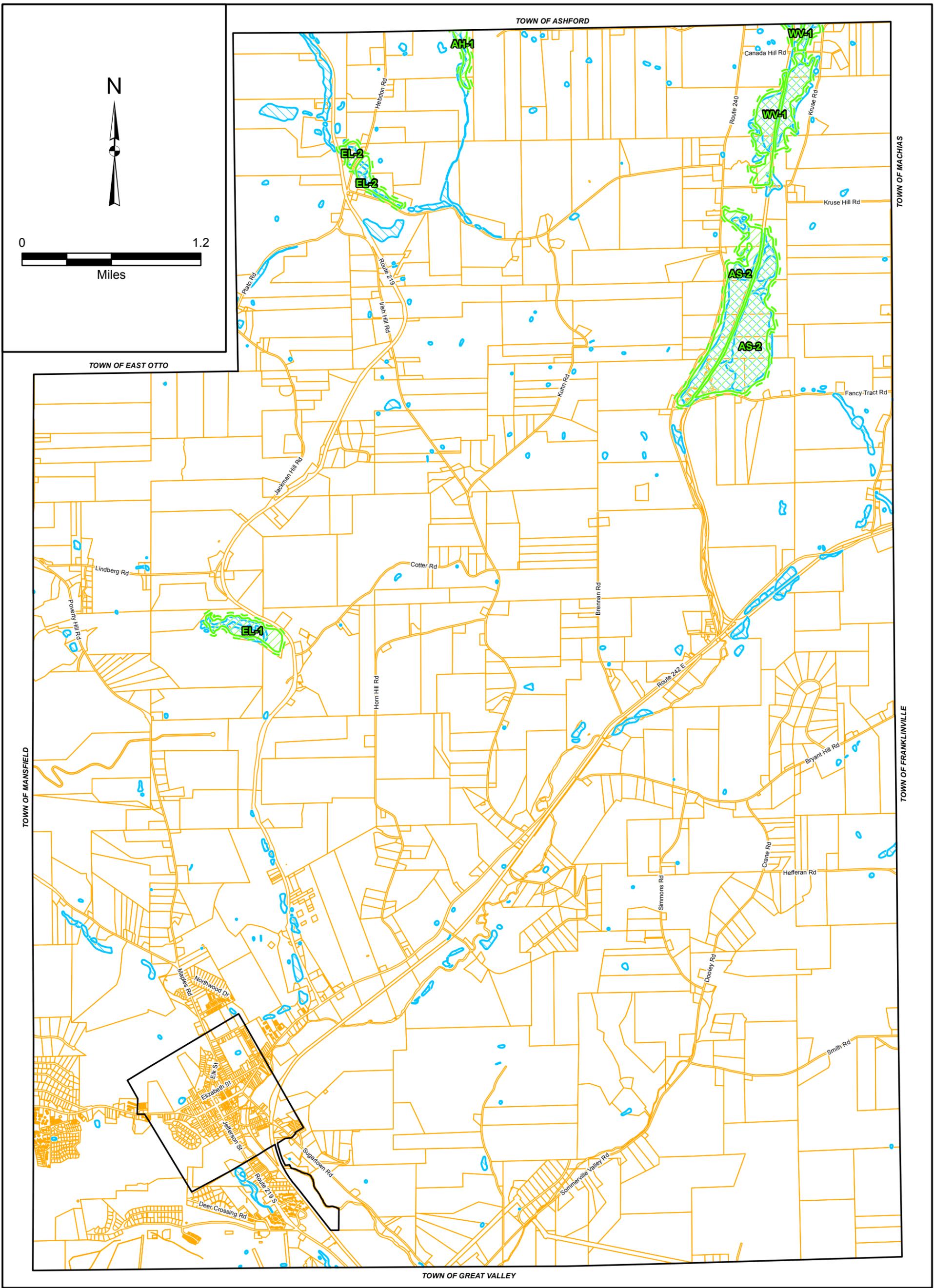
PREPARED FOR:  
 THE TOWN OF ELLICOTTVILLE  
 P.O. BOX 610  
 1 WEST WASHINGTON STREET  
 ELLICOTTVILLE, NY 14731

PREPARED BY:  
 AECOM  
 257 WEST GENESEE STREET  
 SUITE 400  
 BUFFALO, NY 14202

**LEGEND**

- Stream (Class, Standard)
- Pond
- Parcel
- Sole Source Aquifer
- Principal Aquifer
- Other Unconsolidated Aquifer

Note:  
 This map is presented for planning purposes. For site-specific permitting,  
 the original regulatory source should be utilized.  
 Sources:  
 Accident Location Information Service (ALIS), 2016  
 Area Hydrography (CSCIC), 2007  
 Cattaraugus County, Office of Real Property, Tax Parcel Data, 2017  
 Civil Boundaries (CSCIC), 2016  
 NYSDEC Unconsolidated Aquifers at 1:250,000 - Main-Upstate NY, 2008  
 NYSDEC Water Quality Classifications, 2013  
 U.S. Environmental Protection Agency (EPA) Sole Source Aquifers, 2017



**WETLANDS MAP**  
**October 2018**

*Town of Ellicottville*  
 Cattaraugus County, New York

PREPARED FOR:  
 THE TOWN OF ELLICOTTVILLE  
 P.O. BOX 610  
 1 WEST WASHINGTON STREET  
 ELLICOTTVILLE, NY 14731

PREPARED BY:  
 AECOM  
 257 WEST GENESEE STREET  
 SUITE 400  
 BUFFALO, NY 14202

**LEGEND**

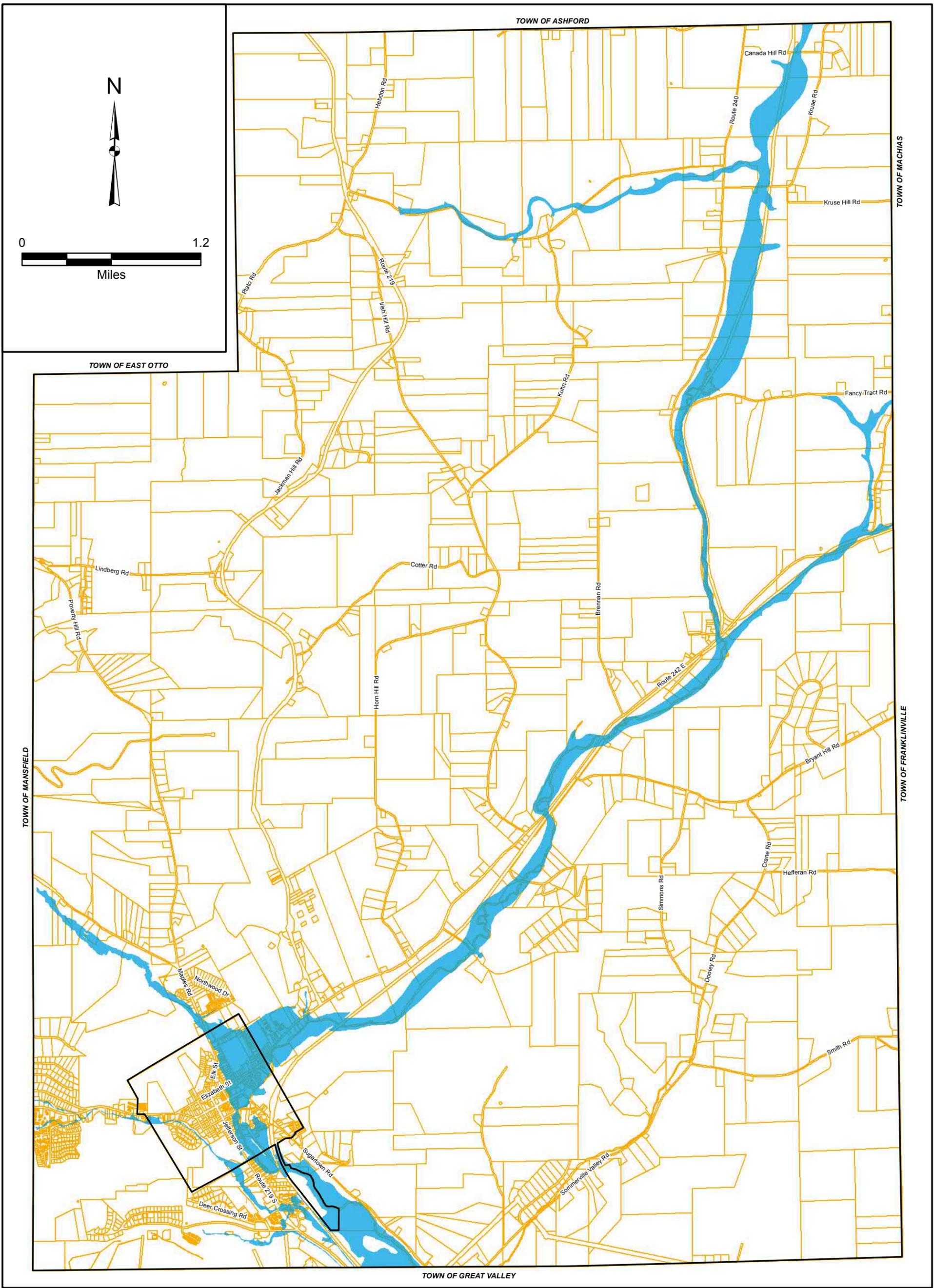
- |  |  |
|--|--|
|  NYS Department of Environmental Conservation (NYSDEC) Wetland                |  U.S. Fish & Wildlife Service National Wetlands Inventory (NWI) Wetland |
|  NYS Department of Environmental Conservation (NYSDEC) 100-foot Adjacent Area |  Parcel   |

**Notes:**

1. The Riverine NWI wetland type is not shown within map extent.
2. This map is presented for planning purposes. For site-specific permitting, the original regulatory source should be utilized.

**Sources:**

Accident Location Information Service (ALIS), 2016  
 Cattaraugus County, Office of Real Property, Tax Parcel Data, 2017  
 Civil Boundaries (GSCIC), 2016  
 NYSDEC Regulatory Freshwater Wetlands, Cattaraugus County, 1999  
 USFWS National Wetlands Inventory (NWI), 2017



**FEMA FLOODPLAINS MAP**  
**October 2018**

*Town of Ellicottville*  
 Cattaraugus County, New York

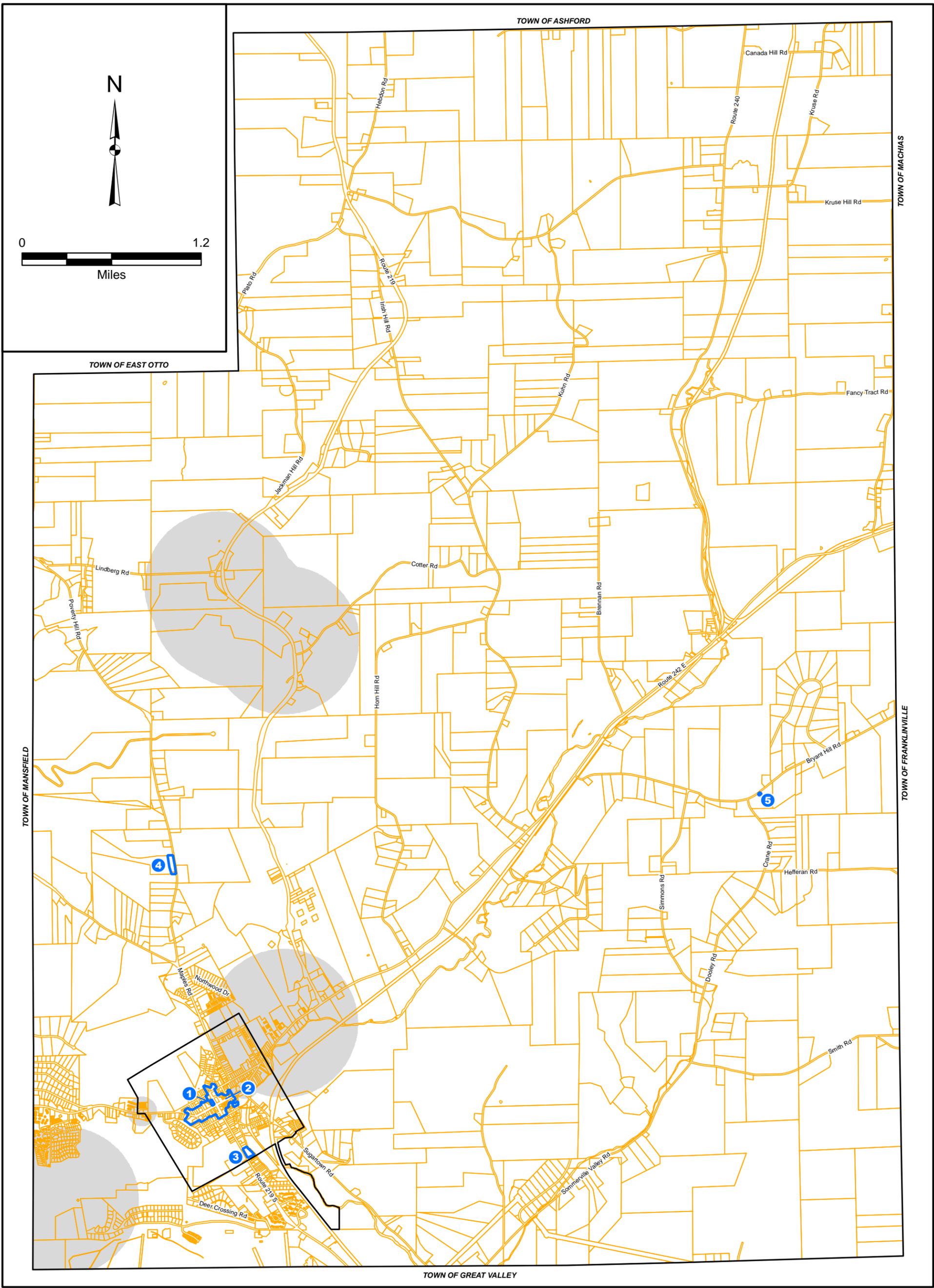
PREPARED FOR:  
 THE TOWN OF ELLICOTTVILLE  
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 ELLICOTTVILLE, NY 14731

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 BUFFALO, NY 14202

**LEGEND**

- 100-Year Special Flood Hazard Area
- Parcel

**Notes:**  
 1. Community Panel Numbers 0025C, 0031D, and 0032D have been revised to reflect Letter of Map Revision (LOMR), effective February 4, 2015.  
 2. This map is presented for planning purposes. For site-specific permitting, the original regulatory source should be utilized.  
**Sources:**  
 Accident Location Information Service (ALIS), 2016  
 Cattaraugus County, Office of Real Property, Tax Parcel Data, 2017  
 Civil Boundaries (CSCIC), 2016  
 U.S. Department of Homeland Security Federal Emergency Management Agency (FEMA) Q3 Flood Data, 1996



**CULTURAL RESOURCES MAP**  
**October 2018**

*Town of Ellicottville*  
 Cattaraugus County, New York

PREPARED FOR:  
 THE TOWN OF ELLICOTTVILLE  
 P.O. BOX 610  
 1 WEST WASHINGTON STREET  
 ELLICOTTVILLE, NY 14731

PREPARED BY:  
 AECOM  
 257 WEST GENESEE STREET  
 SUITE 400  
 BUFFALO, NY 14202

**LEGEND**

- National Register Site
- Archaeologically Sensitive Area
- Parcel

Note:  
 This map is presented for planning purposes. For site-specific permitting, the original regulatory source should be utilized.  
Sources:  
 Accident Location Information Service (ALIS), 2016  
 Archaeologically Sensitive Areas, NYS State Historic Preservation Office (SHPO), 2008  
 Cattaraugus County, Office of Real Property, Tax Parcel Data, 2017  
 Civil Boundaries (CSCIC), 2016  
 National Register Site, NYS State Historic Preservation Office (SHPO), 2015

NAME	LISTED DATE	NUMBER
1 Ellicottville Town Hall	04/03/1973	90NR00096
2 Ellicottville Historic District	08/23/1991	91NR00032
3 Jefferson Street Cemetery	01/04/2012	11NR06266
4 John J. Aiken House	02/20/2013	12NR06412
5 Bryant Hill Cemetery	07/05/2003	02NR05019

**Chapter 3**  
**Existing Land Use**

# Chapter 3

## Existing Land Use

### 3.1 Introduction

An essential component in the updating of the Town of Ellicottville Comprehensive Plan is recognition of the current pattern of land use development. The use of land does change over time, and an understanding of trends and current development patterns is important when planning for future development. Current land uses in the Town are shown on the Existing Land Use Map (located at the end of this chapter).

The Existing Land Use Map (located at end of chapter) was developed by using several resources. A base land use map was created by using the tax map parcel boundaries and land use codes available from the Cattaraugus County Office of Real Property and Geographic Information Services (GIS). The Town's Assessor has assigned the land use codes to the tax map parcels and provided to the County. The Assessor's land use categories are based on the NYS Department of Taxation and Finance's Assessors' Manual, updated through October 2016, and include vacant, residential, agricultural, commercial, industrial, and other types of land uses.

The criteria that the assessor uses for tax purposes are not necessarily those that a land use planner would use; for example, the assessment guidelines consider apartments to be commercial land uses, while for planning purposes these buildings are clearly residential in nature. Therefore, the base land use map was checked in the field through a limited windshield survey and updated based on input from the Planning Board.

A series of large-scale working maps which superimposed recent aerial photography (available through 2017) of the Town over the tax parcel map, was consulted to clarify questions about areas that cannot be seen from public roads. Cattaraugus County's on-line Interactive Real Property Parcel Map was also consulted to clarify questions regarding several properties. The Existing Land Use Map was created by combining information from all these sources.

The Existing Land Use Map is based on tax map parcels. It should be noted that the classification system that was used to create the Existing Land Use Map assumes that each tax map parcel contains only one land use. In some cases parcels do contain more than one land use, for example, a farm and a residence, so discretion was employed in categorizing each parcel. In addition, some very large parcels contain one house; in these cases the entire parcel is classified as residential, even though the bulk of the parcel is vacant.

Since land use patterns are dynamic, the Existing Land Use Map provides a snapshot of development at a particular point in time. The map shows land uses as they existed in January 2018. The Existing Land Use Map is the basis of the information contained in this chapter.

### 3.2 Summary

The Town of Ellicottville contains a diversity of land uses. Although the majority of the land area is categorized as residential, some of the most prominent land use features are the ski facilities located in the southwestern edge of the Town. Generally, denser residential development and most of the commercial development in the Town are located in the vicinity of the ski resorts.

The Village of Ellicottville, a separate political jurisdiction, is also located in the southwestern area of the Town. The Village is completely surrounded by the Town. The Village provides most of the commercial land use activities in the Town. Residential development (outside the Village) is the densest within the Water District and Sewer District.

Away from the ski areas and the Village, land uses become less dense. These areas are characterized by a mixture of residential development on large lots, agriculture, and vacant land.

The Town contains one hamlet, Ashford Junction. This neighborhood is characterized by a mixture of commercial and residential development on small lots. Two rail lines converge in Ashford Junction.

### 3.3 Existing Land Use

Table 3-1 quantifies the amount of land in each land use category that is shown on the Existing Land Use Map. The table is inclusive of the Village.

**Table 3-1  
Existing Land Use  
Ellicottville, 2018**

<b>Type of Land Use</b>	<b>Parcels</b>	<b>Acres</b>	<b>Percent</b>	<b>Rank</b>
Single-family residential	2,285	10,638.02	37.80%	2
Two-family residential	35	24.17	0.09%	11
Multiple family residential	93	219.05	0.78%	7
Commercial	95	99.39	0.35%	10
Commercial Recreation & Entertainment	16	731.81	2.60%	5
Industrial	7	112.66	0.40%	9
Agriculture	25	2,267.78	8.61%	3
Wild, Forested, Conservation Lands & Public Parks	11	791.66	2.91%	4
Community Services/Institutional	23	193.75	0.85%	8
Public Services/Utilities	16	220.78	0.78%	6
Vacant Land	661	12,846.57	45.62%	1
<b>Total</b>	<b>3,267</b>	<b>28,145.64</b>	<b>100.00%</b>	<b>--</b>

Source: Cattaraugus County Real Property Service, 2017

### **3.3.A. Residential Land Uses**

Almost 75% of the parcels and over one third of the land area in the Town of Ellicottville is devoted to residential uses. This category of land use includes single family homes, multiple family homes, and two-family homes. The category of single-family homes includes both townhouses and condominiums, which are considered single-family attached residences, and the traditional single-family detached residences.

Most of the residential land in the Town is devoted to single family residences. Lots range in size from a single family home on several hundred acres to condominiums such as Snow Pine Village. In general, smaller single family home lots tend to be located closer to the Village, either because they are older homes that were built to the village scale of development, or because they are newer townhomes or in small-lot developments that are intended for the second home market. Single family homes comprise the second-largest user of land, by acreage, in the Town.

There are also some two-family and multiple family residences in the Town of Ellicottville. Two-family residences are often referred to as duplexes. For purposes of this study, multiple-family residences are those structures that contain three or more units that are not individually owned. The multiple-family residential category also includes Sun Up Holiday Park, the manufactured home park that straddles the Town/Village boundary. Most of the two-family and multiple-family housing in the Town of Ellicottville is located close to the Village.

#### **Ownership**

Much of the residential parcels in Ellicottville are used as vacation homes by out-of-town owners. As the following table demonstrates, fewer than 18 percent of parcels in the Town and Village are owned by full-time residents.

**Table 3-2  
Ownership of Residential Properties**

<b>Ownership</b>	<b>Village Parcels</b>	<b>Village Percentage</b>	<b>Town Parcels</b>	<b>Town Percentage</b>	<b>Total Parcels</b>	<b>Total Percentage</b>
Local (Ellicottville Zip Code)	121	29.0%	307	15.4%	428	17.7%
Other New York State	118	28.3%	880	44.1%	998	41.4%
Ohio	47	11.3%	234	11.7%	281	11.6%
Other US States	25	6.0%	226	11.3%	251	10.4%
Canada	106	25.4%	347	17.4%	453	18.8%
Other Countries	0	0.0%	2	0.1%	2	0.1%
<b>Total</b>	<b>417</b>	<b>100.0%</b>	<b>1,996</b>	<b>100.0%</b>	<b>2,413</b>	<b>100.0%</b>

Source: Cattaraugus County Real Property Service, 2017

### **Growth in Housing**

The number of housing units in the Town of Ellicottville continues to increase. Table 3-3 shows the change in the number and types of residences between 1990 and 2015, based on US census data. Note that the total number of housing units as reported by the Census is greater than that shown in Table 3-2. This discrepancy is probably due to the fact that the tax rolls, which are the source of the data in Table 3-2, consider some types of residential properties to be commercial uses, not residential. The US Census data does not make this distinction, so the Census data is probably more accurate in terms of total numbers of residential properties. However, the tax roll is a useful source of ownership data.

Table 3-3 shows both the total numbers of residences and the mix of different types of housing. The number of housing units in the Town increased by 19 percent between 2000 and 2015. By contrast, the number of housing units in Cattaraugus County increased by three percent during the same time period.

Single family detached homes make up the largest portion of residential units in Ellicottville, with 53 percent. Single family attached homes (townhouses) constitute another 24 percent of the available housing. These percentages have increased slightly between 1990 and 2015, indicating a steady growth for both types of single family homes.

**Table 3-3**  
**Number of Housing Units in the Town of Ellicottville**

Type of Housing Unit	1990		2000		2015		Percent Change 1990-2015
	Number	Percent	Number	Percent	Number	Percent	
Single-family, detached	839	47.0%	985	47.0%	1,317	52.8%	57.0%
Single-family, attached	363	20.0%	425	20.2%	597	24.0%	64.5%
2 Units	101	5.7%	94	4.5%	100	4.0%	-0.01%
3 or more units	316	17.7 %	428	20.4%	343	13.7%	0.09%
Mobile homes	155	8.7%	166	7.9%	135	5.4%	-12.9%
Other (RVs, etc.)	12	0.7%	0	0.0%	0	0.0%	-100.0%
<b>Total Housing Units</b>	<b>1,786</b>	<b>99.8 %</b>	<b>2,098</b>	<b>100.0%</b>	<b>2,492</b>	<b>99.9%</b>	<b>39.5%</b>

Source: US Census Bureau, 1990 US Census of Population and Housing, 2000 US Census of Population and Housing, 2011-2015 American Community Survey 5-Year Estimates.

The growth in residential land use in the Town is further shown in Table 3-4, which shows the age of the housing stock. The data in this table indicate that there was a housing boom in Ellicottville between the 1970s and the 2000s. The rate of housing construction greatly increased in the decade of the 1990s, when 23 percent of the Town's housing stock was constructed. Housing construction continued through the 2000s, although at a slower pace. Housing construction has declined during the 2010s. The number of applications for subdivision

approval that the Town has received since 2014 indicates that the increase in residential structures will continue in the future, although likely at a slower pace.

**Table 3-4  
Age of Residential Structures**

<b>Year Built</b>	<b>Number</b>	<b>Percent</b>
2014 or later	0	0.0%
2010-2013	12	0.5%
2000-2009	359	14.4%
1990-1999	568	22.8%
1980-1989	539	21.6%
1970-1979	259	10.4%
1960-1969	92	3.7%
1950-1959	100	4.0%
1940-1949	11	0.4%
1939 or earlier	552	22.2%

Source: 2011-2015 American Community Survey 5-Year Estimates.

## **B. Commercial Recreation**

The Commercial Recreation land use category consists of privately owned land that is used for for-profit recreational purposes. In Ellicottville, this category contains the two ski areas Holiday Valley Resort and HoliMont. Although commercial recreation comprises only a small percentage, 2.60%, of the land area in the Town, this land use dominates the southwestern part of Town and is the major economic force in Ellicottville.

### **Holiday Valley Resort**

Holiday Valley Resort encompasses approximately 1200 acres in Ellicottville, Great Valley, Little Valley and Mansfield. Holiday Valley has over 290 skiable acres and 60 named ski slopes. It is the largest ski resort in New York State, based on skier volume. It averages 550,000 winter visits and over 250,000 summer visits.

Holiday Valley is a four season resort. Summer activities include a golf course, golf school and driving range. The ski slopes are available for mountain biking and hiking. There is a 3-pool complex with a game deck and cabana bar. Spruce lake offers kayaking and stand-up paddle board rentals and lessons. Sky High Adventure Park hosts a mountain coaster, aerial adventure park, climbing forest and gem mining. Holiday Valley hosts numerous conferences and social functions throughout the year. An offshoot of Holiday Valley ski area is the Holiday Valley Snow Tubing Center with 20 tubing lanes, located on Bryant Hill Road and Route 242.

## **HoliMont**

HoliMont is the largest private ski area in North America, in terms of membership, and the second largest in terms of area. It is located on approximately 750 contiguous acres in the Town of Ellicottville, the Village of Ellicottville and the Town of Mansfield. HoliMont, with approximately 135 skiable acres, has 52 ski slopes, a ski school, skating rink, and a half pipe and terrain park.

HoliMont was incorporated in 1964 with 13 families. The most recent available data shows that HoliMont has approximately 1,300 family memberships, or about 4,000 members. HoliMont is open to the public for skiing Monday through Friday, and is restricted to members-only skiing on the weekends.

## **C. Commercial**

There is limited and scattered commercial activity located in the Town outside the developed southwest quadrant. The Village serves as the central business district of the Town. Some village-scale commercial development is located on Route 219 South on the outskirts of the Village near Holiday Valley Resort. This consists of real estate offices, a medical office building, and some small retail stores. There are also several hotels, a bed and breakfast inn, and several restaurants in this area.

Another small cluster of commercial uses is located near the Route 219 North/Route 242 East intersection. This area contains retail stores, restaurants, a hardware store and auto repair shop, a bed and breakfast inn, and some small-scale industrial facilities.

Beyond these two centers of commercial activity, there are scattered commercial facilities throughout the Town. These are restaurants and bed and breakfast establishments.

The Existing Land Use Map probably understates the amount of commercial activity in the Town, since some commercial activities are conducted from individual homes, as home based businesses. These activities are small in scale and intensity. Because they are secondary to the use of the home as a residence, they are not indicated on the Existing Land Use Map, but they are important to the economy of the Town.

## **D. Industrial**

There is very little industrial land use in the Town of Ellicottville, totaling only 0.4 percent of total land use. The industries that are located in the Town are scattered in location and varied in nature.

A gravel mine is located on Canada Hill Road at the northern edge of the Town. There are several warehouses: a log storage facility on County Road 32 (West Valley Road), log storage adjacent to the Village off Route 219/242, and a distillery at the end of Robbins Road. Stride Tools is located off Route 219/242 near the Village.

## **E. Agriculture**

The Town of Ellicottville contains a significant amount of land that is still in active agricultural production. This land use ranks third in terms of acreage, with approximately 8 percent of the land devoted to agriculture. Farms are located throughout the Town. Types of agricultural activity include dairy farms, cattle and cropland.

There is one agricultural district in the Town of Ellicottville, established by Cattaraugus County pursuant to Article 25AA of NYS Agriculture and Markets Law. This is the Agricultural District No. 7 – Southeast Central Agricultural District (District No. 7) as shown on the Existing Land Use Map.

Parcels that are used for agriculture and which are located in a designated agricultural district may be eligible for tax benefits if they meet certain criteria. Under New York State law, agricultural districts must be reviewed every eight years. The Southeast Central District will be reviewed in 2023. Land can be excluded from the district only during the eight-year review, but land can be added to a district once a year during January.

## **F. Commercial Forestry**

This land use category consists of privately-owned forest land that contains merchantable timber. Approximately four percent of land in the Town is in this land use category, which ranks fourth in terms of acreage.

These parcels are scattered throughout the town, although there is a small concentration of private forest land on the southeast edge of Ellicottville. This category does not include all forests in the town, since much of the Town is characterized by wooded hillsides.

## **G. Public and Institutional**

The Public and Institutional land use categories contains a mixture of lands that are owned by governmental and other public agencies and lands that are owned by institutions such as churches and private clubs. This category contains a variety of land uses.

### **Town of Ellicottville Land**

The Town of Ellicottville owns several parcels of land, scattered throughout the Town, which support a variety of governmental services.

The Town's highway barn is located on Bryant Hill Road, near the intersection with Route 242 East. The Town also owns a small lot on Route 219/242 near the Village line and on Route 219 near the intersection with Route 242 East, which were previous sites of the Town's highway barn. The Town also owns a 3.14 acre parcel off Sugartown Road, which is the Town gravel pit.

In addition, the Town owns several small lots that are part of the Town's municipal water supply system. A reservoir is located at the top of a ridgeline, surrounded by HoliMont property.

Nearby, surrounded by lands owned by Holiday Valley Resort, the Town owns a small parcel that could be used for an additional reservoir. The Town's water supply well and an office are located on Route 219 South next to Holiday Valley Inn.

The Town now owns the former Cattaraugus County Cooperative Extension facility on a 6.7 acre parcel on Parkside Drive. This facility houses the Ellicottville Court facilities and Extension Services offices, as well as the Nannen Arboretum.

### **Other Public Land**

The Village of Ellicottville owns land adjacent to the American Legion, on which the Village Park and athletic fields are located. The Town owns an adjoining parcel, which also contains soccer fields.

BOCES owns 95.9 acres of land on Route 242 East, near Bryant Hill Road. BOCES has an educational facility on the site and provides vocational educational services for high school students in the region, as well as teacher support services.

### **Cemeteries**

Four cemeteries are located in the Town of Ellicottville. The Bryant Hill Cemetery, located on Bryant Hill Road, is an old cemetery that was recently included on the National Register of Historic Places. Niles Cemetery is located on Route 242 West, near the Town of Mansfield. Both of these cemeteries are owned by the Town of Ellicottville.

Privately owned cemeteries are Holy Cross Cemetery, located on Route 242 West, and a cemetery on Beavers Meadow Road, which is owned by St. Peter's Evangelical Lutheran Church.

### **Telecommunications Facilities**

There are several telecommunications facilities in the Town of Ellicottville. Two of these are located on separate tax map parcels. Other towers are located on land that is leased from the property owner. Two towers are located off Sugartown Road. Another tower is located off Route 219 North. Several towers are located on Jackman Hill Road; one of these is on a parcel owned by the Federal Aviation Administration (FAA).

Parnassos Communications owns a small parcel on Route 242 West. This lot contains a switching facility for cable television.

### **Other Institutional Land**

One church is located in the Town of Ellicottville. This is St. Paul's Lutheran Church, which is located on Route 219/242 east of the Village.

There are three clubs within the Town. The American Legion has a facility on Maples Road, just outside the Village. The Ellicottville Sportsmen are located on Route 242 East. Ellicottville Ski Club is located off Lower Holiday Valley Road.

## **H. Public Services and Utilities**

There are two facilities in this land use category, a rail line and a Niagara Mohawk power line right-of-way.

The Niagara Mohawk Power Corporation right-of-way is located in the southern portion of the Town. It extends into the Town of Great Valley. Other Niagara Mohawk power lines run through the Town, but these lines are placed on easements, not in dedicated rights-of-way.

The Buffalo and Pittsburgh Railroad runs the length of the Town of Ellicottville, running in a north-south direction from the northeast part of the Town, paralleling Beaver Meadows Creek, until it connects with an east-west spur at Route 242 in Ashford Junction. From there, the rail line runs generally in a southwesterly direction through the Village of Ellicottville and south toward Salamanca.

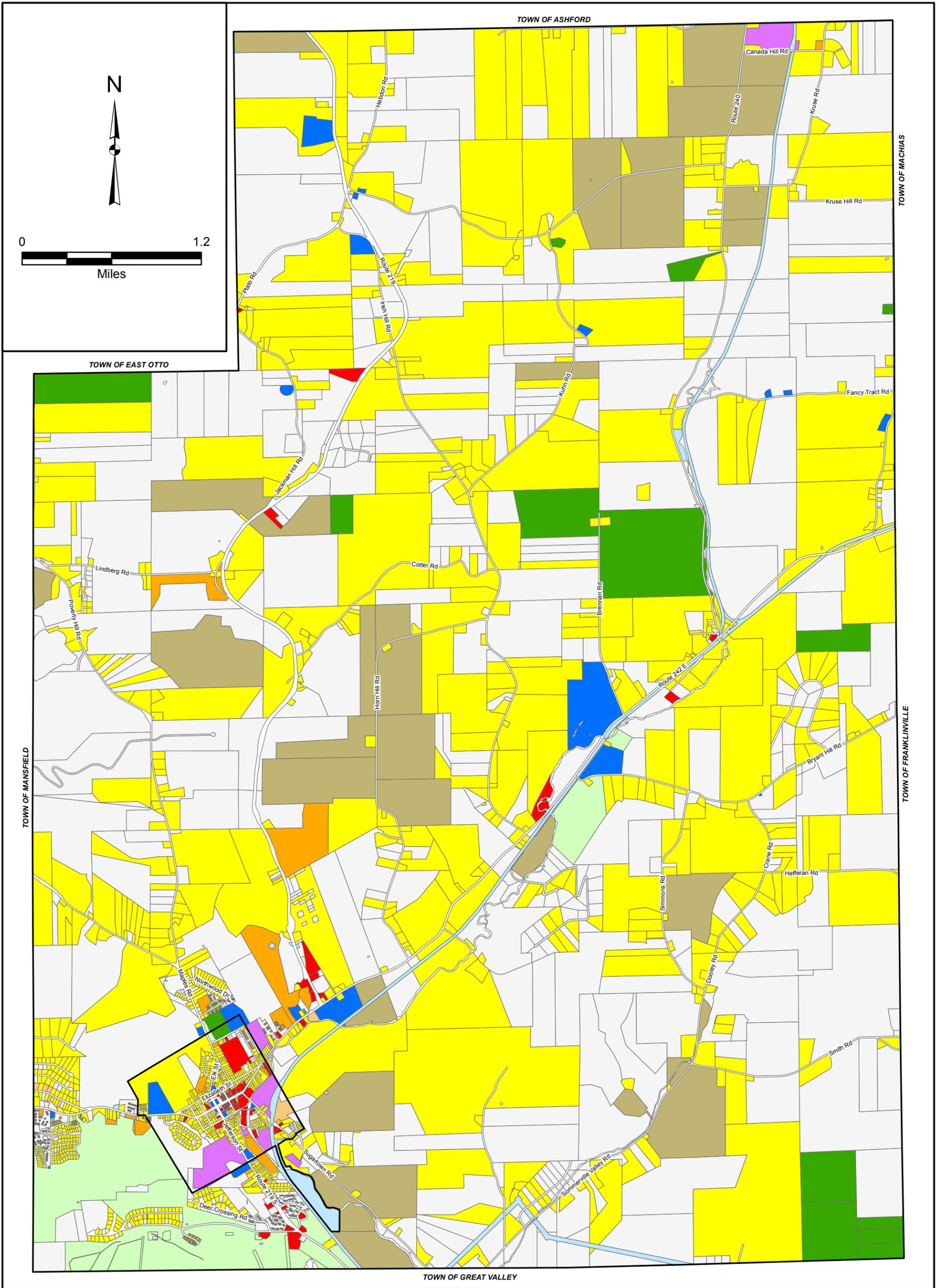
## **I. Vacant Land**

Significant amounts of vacant land are located throughout the Town. This is the largest category in terms of land use; 46 percent of land in the Town is vacant. Much of the vacant land consists of large, undeveloped parcels, but there are also some smaller lots located in single family subdivisions that have not yet been built.

### **3.4 Conclusion**

A significant amount of development has occurred in Ellicottville in the two and one-half decades since the Town's Master Plan Report was adopted in 1991. Primarily, this has been residential development within the Water District and Sewer District surrounding the Village, which has been fueled by demand created by the ski resorts.

However, there is still a large development potential in the Town of Ellicottville. There is a significant amount of vacant land outside the Water District and Sewer District. The majority of the vacant wooded and undeveloped agricultural properties are located away from the Village and the Water District and Sewer District. These properties can be subdivided for large residential lots. There is also a significant amount of very large single-family lots that could be further subdivided. Active, agricultural lands also have the potential to be taken out of production and put into other land uses.



**EXISTING LAND USE MAP**  
**October 2018**

*Town of Ellicottville*  
 Cattaraugus County, New York

PREPARED FOR:  
 THE TOWN OF ELLICOTTVILLE  
 P.O. BOX 610  
 1 WEST WASHINGTON STREET  
 ELLICOTTVILLE, NY 14731

PREPARED BY:  
 AECOM  
 257 WEST GENESEE STREET  
 SUITE 400  
 BUFFALO, NY 14202

**LEGEND**

- |                             |                                       |   |
|-----------------------------|---------------------------------------|---|
| Agricultural                | Vacant Land                           | Industrial  |
| Single-Family Residential   | Commercial                            | Public Services/ Utilities                        |
| Two-Family Residential      | Commercial Recreation & Entertainment | Wild, Forested, Conservation Lands & Public Parks |
| Multiple Family Residential | Community Services/ Institutional     |   |

Sources:  
 Accident Location Information Service (ALIS), 2016  
 Cattaraugus County, Office of Real Property, Tax Parcel Data, 2017  
 Civil Boundaries (CSCIC), 2016  
 NYS Department of Taxation and Finance, Assessors' Manual, Updated October 25, 2016

## **Chapter 4**

# **Economic and Demographic Characteristics and Trends**

## Chapter 4

### Economic and Demographic Characteristics and Trends

#### 4.1 Economic Overview – Cattaraugus County

The economy of Cattaraugus County, at the beginning of the twenty-first century, is characterized by a mixture of agriculture, tourism, small manufacturers, retail trade, and service industries. Table 4-1 shows broad categories in which employed persons in Cattaraugus County worked in the years 2000 and 2015.

**Table 4-1**  
**Industry in which Residents of Cattaraugus County are Employed,**  
**2000 through 2015**

Industry	2000	2010	2015	Percentage of Change 2000-2015	Rank in 2015
Agricultural, forestry, fishing, hunting, mining	1,105	1,259	1,039	-6.0%	11
Construction	2,163	2,399	2,578	19.2%	5
Manufacturing	7,228	4,320	4,742	-34.4%	2
Wholesale Trade	1,147	757	771	-32.8%	12
Retail Trade	4,659	4,956	4,051	-13.1%	3
Transportation, warehousing, utilities	1,830	1,534	1,312	-28.3%	9
Information	616	414	256	-58.4%	13
Finance, insurance, real estate, rental, leasing	1,196	1,290	1,279	6.9%	10
Professional, scientific, management, administrative, waste management services	1,647	2,202	1,792	8.8%	7
Educational, health, social services	9,201	9,236	9,059	-1.5%	1
Arts, entertainment, recreation, food services, accommodation	3,520	2,730	3,753	6.6%	4
Other services (except public administration)	1,723	1,270	1,568	-9.0%	8
Public Administration	1,795	2,183	2,065	15.0%	6

N.A. = information not available

Sources: *Self Portrait of Cattaraugus County*. Cattaraugus County Department of Economic Development, Planning & Tourism, October 2002; 2000 and 2010 US Census of Population and Housing; 2011-2015 American Community Survey 5-Year Estimates.

The sector with the most growth in jobs between 2000 and 2015 was the Construction sector. Employment in this sector increased by 19 percent between 2000 and 2015. This sector ranked fifth in terms of number employees in 2000 and 2015.

Manufacturing ranked second in terms of the number of employed persons in 2000 and 2015. The manufacturing sector saw a decline of nearly 2,500 positions between 2000 and 2015. Retail Trade consistently ranked third from 2000 through 2015, even though that sector lost approximately 600 jobs.

The Public Administration sector has shown a consistent increase in number of employed persons between 2000 and 2015, growing by 15 percent.

The Transportation, Warehousing, Utilities sector showed a decrease in number of employed persons between 2000 and 2015. The number of jobs in this sector decreased by 518, or 28 percent.

## **4.2 Economic Overview – Town of Ellicottville**

Ellicottville's economy is largely recreation and tourism-based. Table 4-1 shows a significant increase in employment in Cattaraugus County in the Arts, Entertainment, Recreation, Food Services, and Accommodation sector between 1990 and 2000, and this sector continues to be a growing industry in the County. This growth is primarily due to an increase in tourism. The natural and recreational resources in the County, and the promotion of these resources, are largely the reasons for growth in this sector. Ellicottville, as the home of the ski industry in Cattaraugus County, is largely responsible for this growth in the County's tourism economy.

Table 4-2 shows the industries in which the residents of the Town of Ellicottville, which includes the Village of Ellicottville, worked in 2000 and 2015, according to the US Census data. Table 4-2 shows for the Town the same classifications that Table 4-1 shows for Cattaraugus County.

**Table 4-2**  
**Industry in which Residents of Town of Ellicottville are Employed**  
**2000-2015**

<b>Industry</b>	<b>2000</b>	<b>2010</b>	<b>2015</b>	<b>Percentage of Change</b>	<b>Rank in 2015</b>
Agriculture, forestry, fishing, hunting, mining	28	34	6	-78.6%	12
Construction	88	57	88	0.0%	3
Manufacturing	127	73	85	-33.1%	4
Wholesale trade	15	14	14	-6.7%	10
Retail trade	81	51	51	-37.0%	8
Transportation, warehousing, utilities	36	62	0	-100.0%	13
Information	6	7	8	33.3%	11
Finance, insurance, real estate, rental and leasing	47	30	67	42.6%	6
Professional, scientific, management, administrative, waste management services	57	36	83	45.6%	5
Educational, health, social services	146	114	127	-13.0%	1
Arts, entertainment, recreation, accommodation and food services	226	174	111	-50.9%	2
Other services (except public administration)	20	27	34	70.0%	9
Public Administration	45	83	60	33.3%	7

Sources: 2000 and 2010 US Census of Population and Housing;  
2011-2015 American Community Survey 5-Year Estimates.

The influence of tourism on the local economy is clearly shown in Table 4-2. The Arts, Entertainment, Recreation, Accommodation and Food Services sector ranked first in the industries in which Ellicottville residents were employed in 2000 and second in 2015. However, Tables 4-1 and 4-2 show that despite the fact that employment in this sector continues to grow for residents of Cattaraugus County, employment in this sector for Ellicottville residents showed a decrease of 51% between 2000 and 2015. While jobs in this sector are located in Ellicottville, it appears that the employees reside outside the Town.

The Educational, Health, and Social Services sector is important locally and for the County, ranking second for Ellicottville residents in 2000 and first in 2015; this sector is ranked first for Cattaraugus County residents. Similarly, manufacturing is important, ranking fourth for Ellicottville residents and second for Cattaraugus County.

In the spring of 2004 the Ellicottville Chamber of Commerce conducted a survey of its membership, which includes businesses in both the Village and Town of Ellicottville. These businesses were asked to report the number of employees, both year round and seasonal, and whether or not these employees were residents of Ellicottville, which in this case is a resident of either the Town or the Village. Note that the census data used in Tables 4-1 and 4-2 give the industry in which residents are employed, but not where the industry is located. The Chamber sent out 140 surveys and received 52 responses, a 37 percent response rate. The respondents appear to include the larger employers in the town and village.

**Table 4-3  
Employment in Ellicottville, 2004**

	Year Round			Ski Season		
	Full-time	Part-time	Ellicottville Resident	Full-time	Part-time	Ellicottville Resident
Employees	804	147	234	1,544	690	166

Source: Ellicottville Chamber of Commerce, 2004.

A proposed update to the survey was scheduled to be completed in 2017, but was delayed until sometime in the near future after completion of this Comprehensive Plan Update.

The largest employers in Ellicottville are Holiday Valley Resort and HoliMont. During the ski season they employ over 1,100 people, 825 of which are full-time employees and another 350 who are part-time. During the summer months the number of employees drops to about 165 full-time positions. In addition to the people employed directly by the two ski resorts, Sodexo, which operates some food service facilities at Holiday Valley, employs an additional 80 full-time and 100 part-time employees during the ski season; the number of employees drops during the off season to 35 full-time positions and 30 part-time positions.

Light industrial firms employ the second largest number of workers. These businesses include Fitzpatrick & Weller, which is located in the Village, and North Park Innovations Group, Inc., which is located in the Town. The employment in the manufacturing firms is stable throughout the year.

According to the Chamber of Commerce, the retail and hospitality industries continue to be growth sectors of the local economy showing continual growth as year-round businesses.

The total number of employees in Table 4-3 includes the employees of the Ellicottville Central School district, which technically is located in Great Valley. The school district employs 111 people, full-time, and 25 people part-time.

In 2015, there were 74 self-employed persons (small businesses) in the Town of Ellicottville.

Of the members of the Chamber, approximately 35 percent, or 50 out of 140 members, are located in the Town of Ellicottville. Many of these are home-based businesses or contractors.

Many of the businesses located in the Village are stores and restaurants that depend to a great extent on visitors.

Table 4-3 also shows the number of employees who are residents of either the Village or the Town of Ellicottville. Approximately 24 percent of year-round employees live in Ellicottville. Interestingly, although employment dramatically increases during ski season, most of these additional employees commute from outside of Ellicottville. During the ski season, only seven percent of employees are Ellicottville residents.

Table 4-4, which presents data from the 2000 US Census and the 2015 American Community Survey, further verifies the information in the Chamber of Commerce's survey. According to data collected by the Census Bureau, the mean (average) travel time to work for residents of the Town of Ellicottville has increased from 21.4 to 26.9 minutes. This indicates that residents are travelling some distance to get to work. The number of Town residents working at home decreased from 6 percent in 2000 to 2 percent in 2015.

**Table 4-4**  
**Commuting to Work (workers 16 years and older)**  
**Town of Ellicottville, 2000-2015**

	2000		2010		2015	
	Number	Percent	Number	Percent	Number	Percent
Car, truck or van – drove alone	688	76.2%	564	75.5%	593	81.9%
Car, truck, or van—carpooled	104	11.5%	49	6.6%	63	8.7%
Public transportation	0	0.0%	4	0.5%	0	0.0%
Walked	59	6.5%	90	12.0%	41	5.7%
Other means	0	0.0%	3	0.4%	13	1.8%
Worked at home	52	5.8%	37	5.0%	14	1.9%
Total	903	100.0%	747	100.0%	724	100.0%
Mean travel time to work (in minutes)	21.4	N.A.	26.2	N.A.	26.9	N.A.

N.A. = not applicable

Sources: 2000 and 2010 US Census of Population and Housing  
2011-2015 American Community Survey 5-Year Estimates

### 4.3 Economic Trends

#### Tourism

Tourism is expected to continue to grow in the future. In addition to the ski areas located in Ellicottville, Cattaraugus County contains Allegany State Park, New York's largest state-owned park. The County has a significant amount of public land, which provides opportunities for hunting and fishing, as well as hiking and other passive recreational uses. Other tourism and

recreational destinations in the County include the Rail Museum in Salamanca and the Griffis Sculpture Park in Ashford Hollow. The casino in Salamanca also draws visitors into the region.

Ellicottville is considered the center for recreational tourism in Cattaraugus County. The continued growth of the tourist economy will continue to create a demand for more shops, restaurants, and accommodations to serve these visitors and vacation home owners. The demand for vacation homes in Ellicottville is also expected to grow, although at possibly slower rate.

### **Manufacturing**

Manufacturing is important to the local economy. It provides significant year-round employment opportunities. However, the number of employees in the Manufacturing Sector has decreased by 33 percent between 2000 and 2015. The remaining employers are located in the Village. The Town should encourage the continued presence of manufacturing, to the maximum extent feasible. For example, in recent years, two distilling and brewing businesses have been established in Ellicottville.

### **Agriculture**

Agriculture is an important industry in Cattaraugus County. As a land use that requires a significant amount of land, it contributes to the rural character of the Town and County. Agriculture in Ellicottville is not a significant source of employment. Land used for agriculture comprises approximately 8 percent of the land area, including rental land, in the Town (see Table 3-1). Currently there is one alpaca farm located within the Town of Ellicottville. Depending on how it is classified for assessment purposes, not all land rented for agricultural purposes, shows as “agricultural” on the Existing Land Use Map (located at the end of Chapter 3 – Existing Land Use). The presence of working farms contributes to the rural character of the Town. This characteristic of the Town is prized by both residents and visitors. Therefore, the town of Ellicottville should encourage the continued presence of working farms in the Town.

Cattaraugus County prepared an Agricultural and Farmland Protection Plan in 2007. This plan is intended to encourage long-term policy formation in support of agriculture while providing a specific short-term framework to guide local programs regarding specific agricultural economic development and land use initiatives. Recommendations from this plan include: development of an Agribusiness Retention, Expansion, and Attraction Plan; supporting regional agricultural leadership development; expanding education and training programs; development of a Regulatory and Policy Action Program; enhancement of business development programs; supporting the development of a Regional Enterprise Center and Incubator; supporting farm-friendly county-based land use policies and programs; supporting town-based agricultural planning; supporting efforts to establish a State Tax Incentive Program to stabilize farmland and investigate a Purchase of Development Rights Program for high development pressure areas; and promotion of understanding and appreciation of Cattaraugus County agriculture to the non-farm public.

Participation by the County and individual landowners in the NYS Department of Agriculture and Market's Agricultural Districts Program provides protection of farmlands as both a viable segment of the local economy as well as an important environmental resource. The ability to apply for an agricultural-based assessment supports continuation of farming as an enterprise.

### **Other Regional Initiatives**

Cattaraugus County has several public agencies that are charged with fostering additional economic development within the county. One of these is the Cattaraugus County Department of Economic Development, Planning and Tourism (County Planning Department). The County Planning Department has several on-going planning initiatives.

One such initiative is the network of recreational trails in the county, titled the Enchanted Mountains Recreational Trails. This initiative promotes the recreational and tourism potential of an interconnected system of recreational trails.

Another County Planning Department initiative is the Allegany State Park Perimeter Study. The eight guidebooks published after the completion of this study in 2005 propose strategies and demonstration projects for short and long-term development related to recent changes in communities located adjacent to or near Allegany State Park. These guidebooks hope to encourage several municipalities in the county to capitalize on the potential economic benefits of their proximity to the Park. The market analysis of the Study identifies three areas of the county that could benefit. These are the Zone of Influence, the Perimeter Zone and the Gateway Communities. Ellicottville is included in the Zone of Influence.

Other agencies that provide assistance to new or existing businesses in Cattaraugus County include the Southern Tier West Regional Planning and Development Board (STW), which provides development assistance to local communities and the private sector in a three county region: Chautauqua, Cattaraugus, and Allegany. The Cattaraugus County Industrial Development Agency (IDA) can provide tax exempt bonds and other incentives for private development.

In November 2011, the Western New York Regional Economic Development Council (WNY REDC) published "A Strategy for Prosperity in Western New York". The purpose of this document was to facilitate fundamental improvement in the WNY economy, to ensure sustainable and long-term growth in jobs and income in the region, and to contribute to the resurgence of the broader economy of New York State. The plan included the Dream It Do It (DIDI) initiative to promote careers in advanced manufacturing, which was implemented in Cattaraugus County in 2011.

Progress Reports have been published each year by the WNY REDC. The most recent report from 2016 discusses the occurrence of bi-monthly meetings with Cattaraugus County IDA, Cattaraugus County Departments of Planning, Economic Development, and Tourism, and the Workforce Investment Board. In these meetings, businesses have been voicing their desire to expand or begin operations in Cattaraugus County, including organizations and businesses interested in the NYS Consolidated Funding Application (CFA). The CFA was created as an

economic development tool to streamline and expedite the State grant application process. Eligible projects are reviewed by the applicable funding agencies as well as by the REDC for endorsement based on how the project supports implementation of the REDC strategic plan.

## 4.4 Population and Housing Characteristics

### Population Trends

The full-time population in the Town of Ellicottville, which includes the Village of Ellicottville, decreased between 2000 and 2010. This is shown in Table 4-5, which compares the population change in the Town and Village, as well as Cattaraugus County, between 2000 and 2010.

Table 4-5 demonstrates that the population of Cattaraugus County has been generally stable with a slight decrease over time. Both the Town and Village of Ellicottville lost population between 2000 and 2010. In 2010, the population of the Town of Ellicottville, which includes the Village of Ellicottville, was 1,598.

**Table 4-5  
Population Trends in Ellicottville, 2000-2010**

<b>Municipality</b>	<b>2000</b>	<b>2010</b>	<b>Percent change 2000-2010</b>
Cattaraugus County	83,955	80,317	-4.3%
Village of Ellicottville	472	376	-20.3%
Town of Ellicottville*	1,738	1,598	-8.1%

\*Includes the Village of Ellicottville

Sources: *Self-Portrait of Cattaraugus County*. Cattaraugus County Department of Economic Development, Planning & Tourism, October 2002;  
2000 and 2010 US Census of Population and Housing.

### Income

Tables 4-6 and 4-7 show the income for residents of the Town. Table 4-6 shows the percentage of households with an income in each range. This table also shows the median household income for residents in Ellicottville.

The median household income for residents in Ellicottville increased between 2010 and 2015 by over \$20,000. There was also an increase in the percentage of households with higher income levels during this period.

**Table 4-6  
Household Income in Ellicottville, 2010 and 2015**

	2010		2015	
	Number	Percent	Number	Percent
Less than \$10,000	35	5.1%	21	3.1%
\$10,000-14,999	66	9.5%	14	2.1%
\$15,000-24,999	102	14.7%	93	13.9%
\$25,000-34,999	100	14.5%	79	11.8%
\$35,000-49,999	132	19.1%	104	15.5%
\$50,000-74,000	79	11.4%	82	12.3%
\$75,000-99,999	96	13.9%	93	13.9%
\$100,000-149,999	70	10.1%	102	15.2%
\$150,000-199,999	7	1.0%	19	2.8%
\$200,000 +	5	0.7%	62	9.3%
Total households	692	100.0%	669	100.0%
Median household income	\$39,737		\$61,250	

Sources: 2000 and 2010 US Census of Population and Housing; 2011-2015 American Community Survey 5-Year Estimates

Table 4-7 shows the median household income for residents in Ellicottville and compares that with income for households in Cattaraugus County and New York State. Ellicottville has both a median household income and per capita income significantly higher than that for Cattaraugus County and slightly higher than that for New York State. The percentage of persons living below the Poverty Level is significantly lower in Ellicottville compared to the County and the State.

**Table 4-7  
Comparison of Incomes, 2015**

	Ellicottville	Cattaraugus County	New York State
Median Household Income	\$61,250	\$42,601	\$59,269
Per Capita Income	\$36,390	\$22,336	\$33,236
Persons with income below Poverty level	6.6%	18.3%	15.7%

Source: 2011-2015 American Community Survey 5-Year Estimates

**Education**

Table 4-8 shows the number of years of education for the residents of Ellicottville, compared with the educational attainment for residents of Cattaraugus County. The residents of Ellicottville have more education than the population for Cattaraugus County. Approximately 19 percent of Ellicottville's residents have a bachelor's degree, compared to only 10 percent of County residents. Nearly 14 percent of Town residents have an advanced college or professional degree, compared to 7.5 percent of County residents.

**Table 4-8**  
**Educational Attainment for Ellicottville Residents**  
**(for population 25 years and older)**

	Ellicottville		Cattaraugus County	
	Number	Percent	Number	Percent
Less than 9 <sup>th</sup> grade	20	1.8%	2,358	4.4%
9 <sup>th</sup> to 12 <sup>th</sup> grade, no diploma	59	5.3%	4,128	7.7%
High school graduate (includes equivalency)	296	26.4%	21,869	40.9%
Some college, no degree	250	22.3%	9,377	17.6%
Associate degree	133	11.9%	6,177	11.6%
Bachelor's degree	209	18.6%	5,503	10.3%
Graduate or professional degree	154	13.7%	3,996	7.5%

Source: 2011-2015 American Community Survey 5-Year Estimates

### Housing

Data on the types of housing units and age of structures is discussed in Chapter 3, Existing Land Use. Table 4-9 displays the cost of owner-occupied residences in Ellicottville in 2000 and 2015, as determined by the US Census Bureau in 2000 and the 2011-2015 American Community Survey 5-Year Estimates. The value of homes in Ellicottville has increased significantly between 2000 and 2015. Increasing home values may partially be due to the demand for and value of vacation homes, with the highest increase in the number of homes (117) valued between \$200,000 and \$299,999.

**Table 4-9**  
**Value of Owner-Occupied Housing Units, 2015**

	2000		2010		2015	
	Number	Percent	Number	Percent	Number	Percent
Less than \$50,000	19	5.2%	25	5.30%	25	4.7%
\$50,000-99,999	138	37.6%	66	13.90%	83	15.6%
\$100,000-149,999	112	30.5%	99	20.80%	103	19.3%
\$150,000-199,999	55	15.0%	78	16.40%	75	14.1%
\$200,000-299,999	34	9.3%	133	27.90%	117	22.0%
\$300,000-499,999	9	2.5%	59	12.40%	76	14.3%
\$500,000-999,999	0	0.0%	16	3.40%	45	8.4%
\$1,000,000 +	0	0.0%	0	0.00%	9	1.7%
Total Housing Units	367	100.0%	476	100.00%	533	100.0%
Median	\$111,200		\$174,000		\$190,100	

Sources: 2000 US Census of Population and Housing; 2011-2015 American Community Survey 5-Year Estimates

## Affordable Housing

The affordability of housing is the relationship between the average price of housing in a community and the average income of the residents in that community or in the greater region. When the average price of housing, whether purchased homes or rental units, exceeds the average for the area, longtime residents may be forced out of an area, and younger people who grew up in the community may not be able to afford housing as young adults, forcing them to move elsewhere.

Table 4-10 shows the monthly costs for housing in Ellicottville. The data in this table are from the 2010 US Census of Population and Housing and the 2011-2015 American Community Survey 5-Year Estimates.

Table 4-10 displays housing costs as a percentage of household income. For example, 49.0 percent of homeowners in Ellicottville spend less than 20 percent of their monthly income on housing, while 24.3 percent of renters spend less than 20 percent of their income on housing. Both measures indicate an increase in housing costs between 2010 and 2015.

**Table 4-10**  
**Housing costs in Ellicottville, 2010 and 2015**

Housing Costs as a Percentage of Household Income	Owners		Renters	
	2010	2015	2010	2015
Less than 20.0 percent	29.4%	49.0%	3.9%	24.3%
20.0 to 24.9 percent	12.6%	16.9%	24.9%	12.2%
25.0 to 29.9 percent	20.8%	7.4%	25.4%	20.9%
30.0 to 34.0 percent	3.4%	7.1%	12.7%	8.7%
35.0 percent or more	33.8%	19.6%	33.1%	33.9%
Not computed	0.0%	0.0%	0.0%	N.A.
Total	100.0%	100.0%	100.0%	100.0%

Sources: 2010 US Census of Population and Housing;  
2011-2015 American Community Survey 5-Year Estimates

The traditional rule-of-thumb is that a household should spend no more than 25 to 30 percent of its income on housing, in order for the housing to be considered affordable. Table 4-10 indicates that approximately 34.1 percent of homeowners in the Town pay 25 percent or more of their income for housing. The data indicate that renters pay a higher percentage of their income than home-owners; 63.5 percent of renters pay 25 percent or more for housing. This is an improvement over the data from 2010, which shows that 58 percent of homeowners and 71.2 percent of renters paid 25 percent or more of their income for housing. Nearly twenty percent of homeowners and 34 percent of renters pay 35 percent or more of their income for housing.

The survey conducted by the Chamber of Commerce (see Table 4-3) indicates that only 29 percent of Ellicottville residents are employed in Ellicottville. The low percentage of residents that work in Town may partially be due not to the lack of available jobs but to the lack of higher-paying jobs necessary to afford the relatively higher housing costs. As described previously, the demand for vacation or second homes is one factor in relatively higher housing values.

The affordability of housing is an issue that can be affected by land use decisions and regulations, such as minimum lot size and increased densities, and restrictions on more affordable types of housing. The Town should review its regulations to ensure that they are not unduly restrictive as it relates to housing policies, while still protecting the character of the community and neighborhoods.

### **Occupied Housing and Vacation Homes**

Table 4-11 below compares the total population of Ellicottville with the total number of housing units, as well as the number of so-called “occupied” versus “vacant” housing units, for 2000, 2010, and 2015.

**Table 4-11**  
**Ellicottville\* Population per Housing Unit**  
**2000, 2010, and 2015**

	<b>2000</b>	<b>2010</b>	<b>2015</b>
Population	1,738	1,598	1,489
Housing Units	2,097	2,489	2,492
Occupied Housing Units	770	755	669
Vacant Housing Units	1,327	1,734	1,823

\*Inclusive of the Town and Village

Sources: 2000 and 2010 US Census of Population and Housing; 2011-2015 American Community Survey 5-Year Estimates

The average household size in Ellicottville was 0.6 persons in 2015. This is an anomaly that results from the fact that Ellicottville is a tourist destination. Occupied Housing Units, which only made up 26.8% of total housing units in 2015, are defined as housing units which are the usual place of residence of the person or group of people living in it at the time of enumeration of the Census. In 2015, 73 percent of housing units in the Town were classified as “vacant”. Vacant Housing Units are defined as housing units in which no one is living at the time of enumeration, unless its occupants are only temporarily absent. Units temporarily occupied at the time of enumeration entirely by people who have a usual residence elsewhere are also classified as vacant. This classification includes second homes and vacation homes, which are not occupied year-round, but which are vital to the tourist economy of the Town.

## Chapter Endnotes

### **Census Definitions:**

#### **Agriculture, Forestry, Fishing and Hunting Sector**

The Agriculture, Forestry, Fishing and Hunting sector comprises establishments primarily engaged in growing crops, raising animals, harvesting timber, and harvesting fish and other animals from a farm, ranch, or their natural habitats.

The establishments in this sector are often described as farms, ranches, dairies, greenhouses, nurseries, orchards, or hatcheries. A farm may consist of a single tract of land or a number of separate tracts which may be held under different tenures. For example, one tract may be owned by the farm operator and another rented. It may be operated by the operator alone or with the assistance of members of the household or hired employees, or it may be operated by a partnership, corporation, or other type of organization. When a landowner has one or more tenants, renters, croppers, or managers, the land operated by each is considered a farm.

The sector distinguishes two basic activities: agricultural production and agricultural support activities. Agricultural production includes establishments performing the complete farm or ranch operation, such as farm owner-operators, tenant farm operators, and sharecroppers. Agricultural support activities include establishments that perform one or more activities associated with farm operation, such as soil preparation, planting, harvesting, and management, on a contract or fee basis.

Excluded from the Agriculture, Forestry, Fishing and Hunting sector are establishments primarily engaged in agricultural research and establishments primarily engaged in administering programs for regulating and conserving land, mineral, wildlife, and forest use. These establishments are classified in Industry 54171, Research and Development in the Physical, Engineering, and Life Sciences; and Industry 92412, Administration of Conservation Programs, respectively.

#### **Household Income**

This includes the income of the householder and all other individuals 15 years old and over in the household, whether they are related to the householder or not.

#### **Income**

"Total income" is the sum of the amounts reported separately for wages, salary, commissions, bonuses, or tips; self-employment income from own nonfarm or farm businesses, including proprietorships and partnerships; interest, dividends, net rental income, royalty income, or income from estates and trusts; Social Security or Railroad Retirement income; Supplemental Security Income (SSI); any public assistance or welfare payments from the state or local welfare office; retirement, survivor, or disability pensions; and any other sources of income received regularly such as Veterans' (VA) payments, unemployment compensation, child support, or alimony.

**Information**

The Information sector comprises establishments engaged in the following processes: (a) producing and distributing information and cultural products, (b) providing the means to transmit or distribute these products as well as data or communications, and (c) processing data.

The main components of this sector are the publishing industries, including software publishing, and both traditional publishing and publishing exclusively on the Internet; the motion picture and sound recording industries; the broadcasting industries, including traditional broadcasting and those broadcasting exclusively over the Internet; the telecommunications industries; Web search portals, data processing industries, and the information services industries.

**Occupied Housing Unit**

A housing unit is classified as occupied if it is the usual place of residence of the person or group of people living in it at the time of enumeration.

**Vacant Housing Unit**

A housing unit is vacant if no one is living in it at the time of enumeration, unless its occupants are only temporarily absent. Units temporarily occupied at the time of enumeration entirely by people who have a usual residence elsewhere are also classified as vacant.

**Chapter 5**  
**Community Facilities**

# **Chapter 5**

## **Community Facilities**

### **5.1 Introduction**

Community facilities are those public and quasi-public entities that serve the residents and visitors of the Town of Ellicottville. Adequate facilities and utilities are critical for the public health, safety and welfare of the community and are necessary to support the future growth of the Town. Location of public utilities also guides where future growth should be encouraged. This chapter of the Comprehensive Plan evaluates several important community facilities in terms of their ability to support current and future development activity.

### **5.2 Ellicottville Fire Company**

Fire protection in the Town of Ellicottville is provided by the Ellicottville Fire Department (EFD). EFD is an all-Volunteer fire department with an average of 50 members.

Membership in the Fire Department has varied over the years. In today's world it is tough to work full time, have a family, and meet all the requirements of being a firefighter. EFD has offered many incentives to retain our current members and encourage new members. Currently EFD has had an influx of new younger members but has found it difficult to get these members the state training necessary to become a certified firefighter. The way the future looks, someday the Town and Fire Department will have to look for more permanent way of staffing.

EFD is equipped with state of the art modern equipment capable of serving the unique aspects of the Town of Ellicottville. The Fire department is constantly working to meet the changing needs of the Town of Ellicottville. EFD actively participates in the mutual aid program with the surrounding towns.

EFD operates under the Ellicottville Joint Fire Commission which provides funding for the Fire Department by means of a Fire District Tax on property owners. The annual budget \$310,000.00 covers the Building & grounds, Firefighting apparatus & Equipment, training, Maintenance, insurance and many other expenses. Due to the expense, it is unlikely the EFD will go to a paid fire company in order to solve manpower problems.

### **5.3 Ellicottville/Great Valley Ambulance Incorporated**

The Ellicottville/Great Valley Ambulance, Inc. (EGV) provides ambulance service to the Town and Village of Ellicottville, along with the communities of Great Valley, Humphrey, and Mansfield. Additional ambulance service is provided through the mutual aid plan under Cattaraugus County Emergency Services.

The primary purpose of EGV is to provide basic life support (BLS) and advanced life support (ALS) services followed by transportation to an appropriate hospital.. The majority of transportation is to Olean General Hospital and Bertrand Chaffee Hospital in Springville.

The organization was incorporated in 1977 as a not for profit corporation and is governed by a Board of Directors. The organization has approximately 30 squad members. The membership is made up of members from the Ellicottville, Great Valley, Mansfield, and Humphrey Fire Departments. EGV operates three ALS ambulances and one ALS flycar, which are currently housed in the Ellicottville and Great Valley Fire Departments' facilities. The EGV does not have its own buildings.

Annual call volume averages around 500 calls per year. There is no current municipal funding received towards the operation. It is funded by billing for the services provided and donations. This is currently sufficient but increased funding will be needed if there are any significant cost increases.

The annual operating budget of the ambulance service is challenged with increased operating costs, but the company has generally been able to have a small surplus or loss, dependent on specific allocations for new equipment.

Capital expenditures include the purchase of ambulances at a cost of \$85,000 to \$100,000 per vehicle. A new vehicle is generally purchased every 4 years. Small equipment includes items such as Automatic External Defibrillation (AED) devices.

There are current and anticipated challenges relative to the reduced interest in volunteerism and staffing of the ambulances increasing requirements to become certified as an EMT or Paramedic, and limited funding.. There is currently a small stipend provided to members to help cover their direct expenses for personnel equipment, supplies and clothing.

## **5.4 Police Protection**

Police protection is provided by the Town of Ellicottville. The Town currently has an officer in charge, up to four full-time officers, up to seven part-time officers, and up to five special officers. The Police Office is located in the Town Hall.

The State Police also have an office in the Town Hall, which is serviced by two officers. In addition, the County Sheriff's office is on call.

## **5.5 Town Hall**

The municipal offices for the Town of Ellicottville are located in the Town Hall, which is situated at the intersection of Washington and Jefferson Streets, in the heart of the Village of Ellicottville referred to as the Town Square or "Four Corners" district. The Town Hall, built in 1825, was originally the Cattaraugus County courthouse. When the county seat was moved from Ellicottville to Little Valley in 1868, the building became the Ellicottville Town Hall, and it has been continuously used as the Town Hall ever since. The building is listed on the National Register of Historic Places.

Currently the Town Hall provides office space for all of the Town officials except the Highway Department, Code Enforcement Officer, Town Engineer and Town Courts. The offices of the Village of Ellicottville are also located in this building. In addition, the building contains an office for the State Police. The Town Hall contains two meeting rooms on the second floor, which serves as meeting space for various Town and Village boards.

The Code Enforcement Officer and Town Engineer's offices are located in the Village DPW building.

The Town Hall is not adequate for all the activities that are currently housed within it. There are frequent conflicts for the use of the second floor meeting rooms among the various boards and committees. Offices are shared and cramped. There is inadequate storage space in Town Hall. Many Town records are stored in the old Village of Ellicottville Fire Hall (DPW) and at the Town Center.

The first floor of the Town Hall is handicapped accessible, through a lift located inside the rear entrance. The second floor, which contains offices for the Supervisor and Deputy Town Clerk, meeting and storage rooms, is not wheelchair accessible.

## **5.6 Town Center**

In 2012 the Town acquired the former Cornell Cooperative Extension building located at 28 Parkside Drive and created the Town Center facility. The acquisition has addressed many of the space problems at the Town Hall by providing additional meeting space. Town Justice Court and Village Justice courts are now located in the Town Center. Rotary Auditorium now provides a popular and well-utilized large space for meetings and events and the Town Center. Some electrical demand is met by roof-top solar collectors, which is metered and excess power is "sold back" to National Grid. There also are electric car charging stations.

The facility was constructed in 1960's and needs significant updates to window/doors, Insulation, heating plant and heating controls, and replacement of window air conditioners.

In 2017, the Town received a NYSERDA grant for energy efficiency. An energy audit report prepared by Wendel Engineering firm identified potential energy savings projects and their subsequent payback periods. The Ellicottville Engineering Department is currently working on implementing some of these identified projects and the work is expected to take place in 2019. The Town has been designated as a Smart Energy Community, enabling it to continue to work with NYSERDA on grants and projects.

## **5.7 Town/Village Engineering Department**

In 2018, the Town and Village created a full-time, "In-House" Engineering Department that encompasses the Town Highway Department, Village Public Works Division, Water, Sewer, and Code Enforcement Divisions. The Engineering Department will greatly improve the efficiency and communication between the Town and Village with regards to municipal infrastructure planning and development.

## **5.8 Highway Department**

The Highway Department historically was located at the intersection of Route 219 North and Route 242 East. In 2012, the Town purchased a parcel off Bryant Hill Road at Route 242 East, and moved the highway barn to this location. Now all Highway Department facilities and operations are located in the new Town Highway Maintenance Facility (located on David Golley Drive).

## **5.9 Schools**

Primary and secondary public education is provided by the Ellicottville Central School District. The district maintains a pre-kindergarten through Grade 12 facility located just south of the town line in Great Valley. The school was constructed in 1960 and expanded in 1989 and 2005. The current school enrollment (2016-2017 school year) was approximately 606 students. This enrollment number has remained fairly stable over the past decade. In addition to the Town and Village of Ellicottville, the Ellicottville Central School District comprises portions of the Towns of Great Valley, Humphrey, Franklinville, Ashford, East Otto, Mansfield, and Little Valley. The Ellicottville Central School District is currently discussing a possible annexation with the West Valley School District.

One of the two county vocational centers is also located in the Town of Ellicottville. The BOCES North Center is located on Route 242 East.

## **5.10 Public Library**

In 2006, the Ellicottville Memorial Library, moved to a facility located at 6499 Maples Road (County Road) and is part of the Chautauqua-Cattaraugus Library System. The library serves cardholders from the Towns of Ashford, Ellicottville, Great Valley, Humphrey, Franklinville, Little Valley, Mansfield, and West Valley.

## **5.11 Recreational Facilities**

The Town of Ellicottville and surrounding area is primarily rural. The wooded hillsides and streams in the area offer a wide variety of recreational opportunities, including hiking, biking, fishing and hunting. The primary recreational activity in the Town of Ellicottville is skiing, which is provided by both HoliMont and Holiday Valley. In addition to private and commercial recreational opportunities, there are two popular public facilities in the Town.

### **Nannen Arboretum**

This preserve is located behind the Town Center building on Parkside Drive, which is owned by the Town and jointly maintained by Village & Town. The arboretum is part of the Cornell University Cooperative Extension Home Grounds and Community Horticulture educational program. It is a non-profit, volunteer based organization dedicated to providing home garden and natural resource education, test plots for research, and an opportunity for nature appreciation and leisure. It features more than 250 species of trees and shrubs. The Northrup Nature Hall seats

300 people. The 8-acre arboretum features two outdoor chapels, a pond, and Japanese gardens. Paths for the disabled are provided. The trailhead access point for the future Ellicottville Great Valley Trail – Phase 1 is located in the Town Center parking lot near the entrance to the arboretum.

### **Village Park**

A public park, owned by the Village of Ellicottville, is located off Parkside Drive, on land in both the Town and Village. This neighborhood park provides playing fields for soccer, baseball, lacrosse, and football. The soccer field is outside the Village Park, owned by the Town and maintained by the Village.

## **5. 12 Sewage Disposal**

Most of the land in the Town of Ellicottville is served by individual sewage disposal systems, primarily individual septic systems. However, the area immediately adjacent to the Village of Ellicottville is served by the Town of Ellicottville Sanitary Sewer District Number 1.

The area within the Town of Ellicottville Sanitary Sewer District Number 1 is roughly the land north and south of Route 242, west of the Village of Ellicottville; land south of the Village; and land north and south of Route 242/Route 219 west of the village, extending to just west of the Route 219 North/Route 242 East split. Both Holiday Valley and HoliMont are served by the Town of Ellicottville Sanitary Sewer District Number 1.

Sewage from Sanitary Sewer District Number 1 flows to the Village of Ellicottville sewage treatment plant. The treatment plant was constructed in the early 1970s, under a joint agreement between the Village of Ellicottville and the Town of Ellicottville Sewer District. The plant was constructed on land in the Town, which was subsequently annexed to the Village. Funding for the construction of the plant and related sewer lines was obtained through a combination of grant money and bonding. The Town Sewer District paid 30 percent of the costs of the trunk sewer and 33 percent of the cost of the treatment facility. The agreement between the Town Sewer District and the Village states that the Village will receive sewage from the Town Sewer District. The Village operates the treatment plant and collects a user fee from all users, in both the Village and the Town Sewer District, to pay operating expenses.

Because of increased development, during the mid-1990s the volume of sewage exceeded the capacity of the treatment plant, at times. Subsequently, the New York State Department of Environmental Conservation imposed a moratorium on new extensions of the sewer lines. On several occasions since original construction development (residential and recreational-commercial) created demand that exceeded capacity and several plant upgrades have been undertaken, as recently as 2017.

Upgrades to the sewage treatment plant to add capacity to the system were completed in the spring of 2003. Debt on the plant improvements is being paid equally by all users. The current usage profile is that 58 percent of the users are in the Town Sewer District and 42 percent are located in the Village.

According to the Village of Ellicottville Engineer, the treatment plant currently has a dry weather (summer) capacity of 1.3 million gallons per day and a winter (wet weather) capacity of 1.9 million gallons per day.

The difference in capacity is due to different treatment standards during the summer and winter. During the summer months, water volume in Great Valley Creek, where the treated effluent is discharged, is lower. Therefore, treatment of the sewage includes nitrification, to remove ammonia. Nitrification is not required during the winter months.

During wet weather, infiltration of groundwater into the lines reduces the capacity in the Village's laterals and trunk sewers. Since sewage from areas in the Town Sewer District that are north and east of the Village, flow through the Village's trunk sewer lines, this problem with the Village's lines will affect future growth in these areas of the Town. Historically the Town and Village have completed several projects to improve the situation with wet weather flows.

A comprehensive engineering study was undertaken jointly by the Sewer District and the Village of Ellicottville in 2008 to evaluate the existing capacity of the collection system and treatment plant; to determine what excess capacity exists; to evaluate the potential for growth in demand for sewer capacity in undeveloped areas of the Sewer District, the Village or the areas of the Town directly adjacent to the District; to evaluate growth in demand attributable to redevelopment and reuse of already developed areas; and to identify deficiencies in the infrastructure and make recommendations to either correct the deficiencies or to limit development. The study concluded that although several thousand additional dwelling units could possibly be anticipated (under existing zoning and land use plan), with the then-planned (and now completed ) improvements to trunk lines in Village and treatment plant, there would be sufficient capacity.

### **5.13 Water Supply**

Most of the land area in the Town of Ellicottville is served by individual water wells. However, municipal water service is available in the area immediately adjacent to the Village of Ellicottville, through the Town of Ellicottville Consolidated Water District Number 1. The Water District serves an area that is similar to, but not coterminous with, the Town's Sewer District.

The Town's Consolidated Water District #1 is supplied by a single well, which is located near The Inn at Holiday Valley. The well produces about 400 gallons per minute and is disinfected with chlorine gas. Following chlorination treatment, the water is pumped through two pumping stations and into two storage tanks – the “Lower Tank” and “Upper Tank.” Both tanks have a storage capacity of 300,000 gallons each. A third storage facility is the “East Tank” which provides an interconnection with the Village System and is filled with the two Village wells. The Town bonded the cost of the East Tank construction project and the Village, Great Valley, and Mansfield pay a proportionate share, based on assessed valuation.

The two existing Village wells [“north well” (430 gpm) and “trailer park well” (260 gpm)] provide a back-up to the Town system and supply water to the north and east portions of Town system.

The Water District’s well is capable of producing more water than is presently being used. However, increasing growth in demand could change that. It is recommended that a comprehensive engineering study be undertaken to evaluate demand and expected growth in demand. This study should also evaluate distribution system pressure and fire flows.

In 2009, the Town entered its first five-year contract with the Village to maintain town water systems. Since then the Town investigated forming a single water district that includes the entire Village. The proposed date for Town and Village water district consolidation has been set for July 2020. This task will be taken on by the newly formed Engineering Department.

## 5.14 Conclusion

Future growth in the Town of Ellicottville is limited by the existing infrastructure. Low density residential development on large parcels can continue unimpeded, but more dense single family and townhouse development, which has been the largest share of development in the recent past, requires municipal water and sewer services.

Even though an upgrades to the sewage treatment plant were recently completed, there is limited capacity for additional growth in the current system. Future growth within the existing sewer service area will require significant expenditures for upgrades to the existing system, both to increase capacity in the plant and to continue to fix the problem with infiltration into the Village's laterals and truck sewers.

With the planned upgrade of Route 219, including a new interchange located on Route 242 near Bryant Hill Road, this portion of the Town has the potential to become a growth area within the Town. The Poverty Hill Ski area is another area of potential growth. However, any substantial growth in the Town to the north and east of the Village will require new infrastructure to provide both water and sewer facilities. The existing water and sewer districts would have to be expanded, or new districts formed. This new infrastructure would be costly. It would be a Town Board policy decision to expand the water and sewer districts in order to serve higher density development in these areas.

The old Poverty Hill Ski Area is located in the vicinity of the intersection of Poverty Hill Road and Lindberg Road. In the past, a developer has come forward with a plan to redevelop an area of approximately 1300 acres surrounding the old ski area. It is anticipated that, should this plan proceed, there will be a demand for additional development surrounding the ski area similar to what has happened with Holiday Valley. The Comprehensive Plan Map (located at the end of Chapter 8 – Future Land Use Plan) shows areas of MD and GC districts in this area to accommodate this future redevelopment of the ski area and the expected satellite development around the area. This density of development is not possible without the development of the necessary water supply and sewerage disposal facilities.

The existing Town of Ellicottville Consolidated Water District No. 1 serves only the southwest corner of the Town and likely does not have sufficient capacity to supply a large scale development in the Lindberg Road area. The facilities of the water district could be improved and the infrastructure necessary constructed to serve the new development, or an entirely new system could be developed to serve the area. It is recommended that a preliminary engineering study be done to examine the options for supplying the area with potable water and water for fire protection. It is recommended that a municipal Water District be formed and that the Town take responsibility for operation and maintenance of the system. That process is currently underway and is anticipated to occur prior to July, 2020. The capital cost of building the system should be borne by the developers.

As discussed above, the existing municipal sewer system that serves the southwest corner of the Town is nearing capacity. The trunk sewers and the treatment plant are insufficient to connect a large scale development of the nature envisioned. It is recommended that a wastewater facilities study be completed to examine the alternatives available for wastewater collection and treatment, before any final planning decisions are reached. The capital cost of building the system should be borne by the developers.

No large scale development of the Lindberg Road area is possible without the development of this infrastructure.

**Chapter 6**  
**Transportation**

# Chapter 6

## Transportation

### 6.1 Roadways

Ellicottville has a good roadway system. The hierarchy of roads provides good access for Town residents to other parts of Cattaraugus County and other regional destinations. In addition, the road network provides access to Ellicottville for tourists, vacation home owners, and other visitors.

Two major roads transverse the Town. US Route 219 is a major north-south route, which connects Canada and Buffalo in the north to Pennsylvania in the south. It also provides access to Interstate 86, a major east-west highway. Route 242 is a state highway, which generally runs in an east-west direction. It connects Ellicottville to Franklinville to the east and to Mansfield and Little Valley to the west. Route 242 and Route 219 intersect in the Village of Ellicottville.

There are several County roads in Ellicottville. These are:

- Maples Road (County Road 13)
- West Valley Road (County Road 32)
- Beavers Meadows road (County Road 75)
- Sugartown Road (County Road 71)

#### **Route 219 Corridor**

At the present time, Route 219 becomes a two lane undivided highway from just south of Cattaraugus Creek at Peters Road in Ashford south to Interstate 86, including its route through Ellicottville (including its overlap with Route 242 through the Town and Village). After a lengthy study, the New York State Department of Transportation has determined that Route 219 should be upgraded to a four lane divided highway, and selected the "freeway alternative," from Springville to Interstate 86. The expansion of Route 219 to a four lane divided highway between Springville and Ashford was completed in 2010. Construction of the remainder of the freeway has been delayed by a lack of funding. Work on a supplement to environmental impact statement was suspended indefinitely in June 2009. NYSDOT intends to resume work on the study when funding can be restored to the project. A new "moving north" option may also be proposed based on current construction on Route 219 in Pennsylvania which would create a new link with I-86 to Route 219 and then pushing north. In September 2017, NYSDOT completed the replacement of a bridge along Route 219 over Cattaraugus Creek.

The State has delineated a new right-of-way for Route 219, which will run generally easterly of the current alignment. One interchange has been identified in Ellicottville, which will be at Route 242 in the vicinity of Bryant Hill Road. The State has not released a definitive timetable for construction of the new road. The Town should continue its support of the four-lane extension of Route 219 with an interchange with Route 242 located to the east, outside of the Village.

### **Route 242 Corridor**

The construction of Route 219 as a four-lane highway in a new alignment will increase the prominence of Route 242 as a gateway to Ellicottville. Travelers will exit Route 219 on Route 242 approximately 2.5 miles east of the existing intersection and will continue to enter the Village of Ellicottville via Route 242. The area around the new interchange will become a focal point for new development, as will the approximately 3-mile stretch between the new interchange and the Village.

Both the expressway and interchange may significantly impact the the Town in terms of traffic patterns, community character and development pressure. In order to plan for the anticipated development pressure along the Route 242 corridor, the Town completed a Route 242 Corridor Study in 1999. Recommendations of that study are incorporated within portions of this Comprehensive Plan. Key recommendations include:

- A mix of land uses the will provide jobs for area residents.
- Low density residential development, which will also serve to visually provide low intensity land uses between more intense commercial and light industrial development.
- Zoning amendments to address adding a scenic view business park.
- Because lack of sewer and water service is a constraint to new development (east of the existing districts), to facilitate new development, a package wastewater treatment system may be necessary.
- A highway access management plan should be developed prior, or in conjunction with expressway development.

Recommendation: When appropriate, and as the NYSDOT moves forward with planning, design and constructions phases, the Town should review and update the Route 242 Corridor Study in order to keep the Town's land use policy up-to-date.

### **Parking**

Generally, there are adequate parking facilities for existing commercial and residential uses in the Town (outside the Village). Through the Site Plan Review process, new commercial development is required to provide adequate parking for new growth.

However, as the Village continues to re-develop with expanding commercial growth, the demand for parking will continue to increase. Demand for future parking facilities may take various forms, such as shuttle lots, park-and-ride lots or multiple-use of existing parking at existing businesses. The Town should support future stand-alone parking projects, taking into account local needs, seasonal needs, and zoning requirements.

## **6.2 Pedestrian and Bicycle Transportation Systems**

Since Ellicottville is primarily a rural community, at the present time there are not many sidewalks in the Town, outside the Village, and there is little demand for sidewalks in most of the rural portions of the community.

At the present time sidewalks are located along the north side of Route 219 South between the Village line and Holiday Valley Road; on the east side of Maples Road (County Road 13) in the vicinity of Pine Tree Village Road; and on the north side of Route 242 East from the Village line to the Ilex Inn. These existing sidewalks should be maintained, and should be extended as infrastructure is upgraded and as warranted by other future development.

The area around the ski resorts is densely developed and benefits from pedestrian facilities. Future development of the Town will continue to occur near the ski resorts as well as in other growth areas to the north and east. Demand for pedestrian facilities is anticipated to continue to the north, as residential development continues towards Poverty Hill Road, as well as to the east along the Route 242/219 overlap and to the north along Route 219 in the area currently zoned for commercial development. Therefore, there is a need for an expanded system of sidewalks in these areas. The zoning should be reviewed and amended to accommodate off-site and satellite parking facilities in support of growing commercial development in the Town and Village.

Sidewalks promote pedestrian safety by separating pedestrian traffic from vehicular traffic. In addition, the presence of sidewalks encourages people to walk to their destinations for fun and exercise. There is a limited supply of parking spaces, particularly in the Village of Ellicottville, so sidewalks make it possible for people to walk to the Village, thus reducing vehicular traffic congestion and the demand for excessive parking. Encouraging pedestrian activity also has the additional benefits of conserving gasoline, promoting the public health through increased physical activity, and reducing the amount impervious surfaces devoted to parking.

Bicycle use continues to increase in Ellicottville. There are mountain trails available to bicyclists, but there are no dedicated bike lanes for those who want to use bicycles as transportation or to ride along public roads. Bicycle riding serves as an alternative transportation mode for many people, and, similarly to walking, provides important public health benefits. As roadway improvements are made in the Town, the Town should work with the County DPW and NYSDOT to include bicycle lanes along appropriate roadways.

Presently, the NYSDOT is planning a bridge project at the Route 242/Crowley Creek bridge. The Town should encourage the NYSDOT to widen the bridge appropriately to accommodate future sidewalk and bike lane construction in line with the goal of extending pedestrian facilities in the Town at least to Route 219 North and north to serve the commercially zoned properties.

The NYSDOT has a “Complete Streets” policy, which requires consideration of pedestrian and contextual design alternatives during its planning for transportation projects. The Town should adopt a “Complete Streets” policy in order to: better integrate its public transportation and infrastructure resources into the context of neighborhoods; enhance walkability and functional access for all users of the public right-of-way, including improved pedestrian and bicycle accommodations; increase connectivity of neighborhoods with retail and commercial services and employment centers; and ensure that County and State projects comply with Town policies. Additionally, crosswalks should be added at appropriate intersections where there is a demand for pedestrian traffic. It is important for the Town to coordinate with the County and NYSDOT to ensure that during planning for its projects, the NYSDOT also considers how pedestrian improvements can be achieved to help create a walkable community.

#### Recommendations:

- Prepare and adopt a Complete Streets Policy.

The Town should work with other municipalities, the County, and the State to construct a bicycle path/pedestrian walkway to Ellicottville Central School; expanding east along Route 242 to Route 219; and expanding north within the General Commercial District.

### 6.3 Recreational Trails

Ellicottville serves as a destination for recreational activities. The best known recreational resource in the Town is the ski areas. However, there are recreational trails that run through Ellicottville and which are important to residents and visitors to the area.

The Finger Lakes Trail runs through the Town of Ellicottville. The Finger Lakes Trail is a hiking trail that is located primarily on easements through private property. It is about 880 miles long and traverses the Southern Tier area of New York State, connecting the Catskill Mountains with the Allegheny Mountains. In Ellicottville, this hiking trail system stretches from Allegany State Park in the south to Ashford in the northeast. The trail continues across upstate all the way to the Catskills, plus offers a branch trail heading north to Niagara Falls from a trail junction north of Town. The Town should promote the use of this trail.

There are several snowmobile routes in the Town. Snowmobile trails are located on private property by means of easements given by the property owners. Snowmobiles provide an opportunity for another type of winter activity, which adds to the ability of the Town to attract visitors in the winter.

Cattaraugus County has a study of the economic benefits of horse trails, and is launching an initiative to construct a system of horse trails that would link the four villages of Randolph, Little Valley, Ellicottville, and Franklinville. Planning of this trail calls for the trail to run parallel to Route 242 and under the overpass of the new Route 219 alignment. The Town supports the County's horse trail initiative and supports the County's efforts to work with the DOT to ensure that adequate room exists for the future trail in this location.

This Plan supports recreational trails. During summer months, trails could be mixed use for pedestrians, bicyclists, and horses, but would not be appropriate for motorized vehicles. The Town should coordinate with the County and NYSDOT to promote connectivity of trails with other pedestrian facilities in the Town. Use of trails by snowmobiles during winter months when other users are not present may be appropriate. The concept that trails serve as an important recreational resource is supported by Cattaraugus County's research and goals, as documented by *A New Vision for Outdoor Recreation Trails in Cattaraugus County, New York*, which is Volume 4 of Cattaraugus County's Guidebooks for Smart Development for Quality Communities.

The proposed alignment of the Route 219 expressway alternative could affect the trail systems in Ellicottville. The proposed alignment bisects the Finger Lakes Trail and could affect existing

snowmobiling routes. Therefore, to the maximum extent possible, the Town should work with the NYSDOT during its detailed planning for the Route 219 expansion in order to ensure that existing hiking, biking, and snowmobile trails are not cut off or affected by the new alignment without mitigation or relocation of the affected facilities.

### **Ellicottville Great Valley Trail (EVGTV)**

Since the 2006 comprehensive plan update, implementation of the Ellicottville Great Valley Trail (EVGTV) has begun.

The trail, now in the final planning stages, could ultimately be over 16 miles of 10-foot wide, paved trails that will link Ellicottville and Great Valley. The EVGV Trail will be able to be used by hikers, bikers, walkers, skaters, joggers, just about all forms of non-motorized transportation. The Plan articulates a vision for the development of a network of multi-use trails that will link the municipalities and work-play destinations in the Great Valley corridor. When implemented, even if only partially completed, the trail network will become another key attraction for this thriving tourist destination that will enhance this area for residents and visitors in the spring, summer and fall seasons. The partnership that created this master plan has started strong and must continue to grow and evolve to be successful during this twenty-year trail development effort.

Implementation of the initial section, Phase I from the Town Center to Route 219 North is anticipated to be under construction in 2019. It is understood that future sections may be subject to review by the Planning Board and review under SEQRA. The EVGV Master Plan, dated November 2014, is therefore incorporated into this Comprehensive Plan by reference.

### **Section 6.4 Downtown Revitalization Initiative**

In 2018 the Town and Village worked together to write a grant proposal under the NY State Economic Development's program for Downtown Revitalization Initiatives (DRI) the DRI specifically highlighted several of the EVGV trails as well as improvement to sidewalks and a bike share program as potential projects that will support growth of Ellicottville for both residents and visitors. The results pedestrian and bicycling projects identified in the DRI are incorporated into this Comprehensive Plan by reference.

# **Chapter 7**

## **Goals and Objectives**

# Chapter 7

## Goals and Objectives

### 7.1 Introduction

The Town of Ellicottville is a well-organized community with a well-defined community character. As is the case with most communities that trace their beginnings to the 19<sup>th</sup> century, historically Ellicottville grew and evolved largely without land use controls. However, the predominately agricultural nature of the community has diversified in the last sixty years to include manufacturing, recreation and service sectors of the economy. The growth of the ski industry began transforming Ellicottville into a resort community and lead to an increase in the number of vacation homes in the Town and a significant non-resident (full time) population. These changes have created a need for land use planning, in order to provide guidance in land use and development that will promote the best interests of the community as a whole.

Ellicottville is fortunate that it remains a community that offers a positive quality of life to all of its residents, whether permanent or seasonal. The elements that together create Ellicottville's quality of life include:

- A clean mountain environment with natural beauty
- A rural way of life and desirable family lifestyle
- Abundant opportunity for outdoor recreation
- A community of people with diverse backgrounds and interests working in harmony
- High quality of municipal services and public facilities

In order to maintain the favorable quality of life now enjoyed by the community, a vision statement and goals & objectives have been established to guide the development of recommendations and implementation strategies. Together the goals & objectives and recommendations will provide the basis for the future land use plan. The implantation strategies in Chapter 9 outline action items necessary to put the recommendations into motion. The comprehensive plan guides future decisions, both public and private, regarding development in the Town of Ellicottville.

The goals identify general outcomes, while objectives are the more specific actions used to attain those goals.

Together, the Plan recommendations, goals and objectives will guide future growth and change in a manner that is consistent with the community's interests. This plan envisions slow and controlled growth in the Town. The overarching goal for the Town, which is intended to be achieved through the implementation of this Comprehensive Plan, is to provide an opportunity for future development that is compatible with the character of the community that does not overwhelm municipal facilities, that is respectful of the environment, and that accommodates a diversity of land uses.

## 7.2 Environment and Development

The physical setting of the Ellicottville region consists of narrow river valleys and sharply rising hills. Within these valley and hills there is an abundant supply of clean water for drinking and for recreational uses. The terrain is both moderately and steeply sloped, with pockets of wetlands, creeks and agricultural lands. These physical features make up the natural environment. This environment supports and enriches the lives of residents and visitors alike. The forests, surface waters, farm land, wild life and plant life, the scenic roads and vistas each have their own value and are important to both the economy and quality of life within the community. Overburdening the land with excessive development and population and their accompanying environmental impacts would diminish the quality of life that is so important to the community. By careful planning and implementation of land use regulations that protect sensitive areas, the community can ensure the continued existence of this vibrant and pleasant environment.

### Goal A

**To promote a balanced pattern of development that respects the primarily rural character of the community, while providing opportunities for appropriate higher density development in areas that can support such development.**

### Objectives

1. Provide, in the Future Land Use Plan and the Town Zoning Ordinance, adequate land for a variety of suitable land uses in the appropriate locations, which include agriculture; low, moderate, and high density residential development; commercial recreation; and commercial and industrial land uses, in order to provide for and promote a vibrant and sustainable community.
2. Locate medium and high density residential and higher density commercial development in areas that have adequate transportation routes, adequate emergency protection services, and adequate water supply and sewage disposal systems to serve the new development.
3. Develop a Land Use Plan and Zoning that guide higher density development located in enclaves where municipal services are currently available. A significant portion of the Town should be available for low density residential development and small business opportunities, in keeping with the historical development pattern.
4. Discourage traditional strip commercial development patterns and promote the use of clustering and aesthetically pleasing aggregation.
5. Discourage large residential subdivision developments where multiple individual homes are accessed directly off major roadways. Instead, promote the use of subdivisions, access roads and cluster developments.
6. Encourage subdividing vacant wooded and undeveloped agricultural properties located away from the Village, and/or further subdividing very large single-family lots.

**Goal B**

**To relate the use of land to the ability of that land to support development, both now and in the future.**

**Objectives**

1. Provide in the Future Land Use Plan and the Zoning, adequate protections that balance development in areas that have been identified as environmentally sensitive areas, such as wetlands, stream corridors, aquifers and/or regulated floodplains, in order to ensure that any development within these areas will not adversely affect these environmentally sensitive areas. Encourage designs that avoid, minimize and mitigate impacts to creeks, their tributaries, wetlands and surrounding natural habitat.
2. In order to reduce the possibility of erosion, restrict development in areas of steep slopes (defined as an area greater than 25 percent in slope), through the use of reduced yields and cluster development techniques to concentrate building on lower grades. Where development occurs on steep slopes, require both public and private roads to maintain a road grade that provides for adequate access by emergency vehicles.
3. Develop standards for grading to ensure that areas of cut and fill do not cause erosion or become a visual nuisance, incompatible with and detrimental to surroundings.
4. In areas where individual septic systems or other individual systems will be used for sanitary wastewater disposal, the density of the development shall not be greater than the capacity of the environment to support such systems.
5. Prohibit development that would adversely affect the aquifers that serve as the water supply for the Town and Village.
6. Understand where mapped and otherwise regulated wetlands are in the Town and determine whether development activities will require a permit from USACE or NYSDEC if located within a mapped NYSDEC wetland or its 100-foot adjacent area, or in a NWI wetland.
7. In order to properly plan for future access and appropriate development along Great Valley Creek, encourage its designation by the State as an inland waterway eligible for planning under a Local Waterfront Revitalization Program.

**7.3 Community Character: A Rural Way of Life**

The Town of Ellicottville outside the Village is primarily rural in character. Those who have chosen to live in the area value the benefits of the rural way of life over an urban or suburban lifestyle. Residents live in relative security in a low crime area. High quality education is available to all schoolchildren. Scenic views are available from most parts of the Town. The healthy environment and the opportunities for a wide variety of outdoor recreational activities are also important characteristics of the Ellicottville community.

### **Goal C**

**To maintain the rural community character that has made Ellicottville an appealing place to live and work.**

#### **Objectives**

1. Encourage development that is compatible in use, scale, orientation and massing with its surroundings, both natural and man-made.
2. Encourage large-scale developments (developments with more than one primary building) to establish and maintain a general design theme that is consistent throughout the development.
3. Locate intensive or high-density development in existing public water and sewer districts and proximate to the Village or other developed areas.
4. Ensure that development in areas containing designated significant ridgelines that have been identified as significant does not intrude on those ridgelines.
5. Preserve scenic vistas by adopting land use regulations for tall, visually obtrusive structures.
6. Maintain the rural character of the Town by encouraging the preservation of natural woodlands, creek corridors, wetlands and floodplains and the retention of productive farmland.
7. Encourage development patterns for residential and commercial activities that minimize intrusion into natural areas and open space.
8. Maintain visually seamless transitions between the Town and the Village with coordinated streetscaping, lighting, sidewalks, and design scale and styles.

## **7.4 Economy**

A diversified four-season economy is important to the Town. Over time, the predominant economic activity in Ellicottville has changed from agriculture and small-scale industry to one of recreational tourism. The opportunity for a wide variety of outdoor recreational activities is the primary reason for the growth in the tourism industry in Ellicottville. Although skiing is the major recreational activity, it is no longer the only draw to the community. Golfing, biking, festivals and conference events are also activities that bring visitors into the community. Tourism and the second home market supports much of the service and retail activity in the Village and Town.

Historically, agriculture and forestry have been important components of the Town's economy. The maintenance of these industries is encouraged.

Small-scale home based businesses contribute to the economy of the area without adversely

affecting the character of the community. The Town should encourage the continuation of these types of businesses by allowing them in the appropriate locations (via the zoning ordinance). The Town should also regulate these types of uses to ensure that they do not adversely affect the neighborhood in which they are located.

This Plan recognizes that the Village serves as the primary commercial hub for the Town; however, certain categories of retail and commercial activity will and should occur outside the Village limits.

### **Goal D**

**To maintain a diversified economic base, in order to provide a range of employment opportunities for Town residents and to provide services for year-round and part-time residents and visitors.**

### **Objectives**

1. Encourage commercial development that provides full-time, year-round jobs that allow younger employees to afford to be full-time Ellicottville residents.
2. Encourage non-recreation/tourism industrial, commercial and business activities in appropriate locations that are compatible with the natural environment and existing land uses in the Town, in order to provide employment opportunities for residents.
3. Encourage retail commercial and tourism activities in existing public water and sewer districts and proximate to the Village and developed resort areas.
4. Encourage large-scale recreation facilities (skating rink, golf course, water park, community theater, community (youth) center) to locate in areas where they are compatible with the existing natural setting and can be accommodated without significant adverse impact on the environment.
5. Promote establishment of small-scale professional offices for services in business sectors outside the tourism and recreation base.
6. Future retail and commercial activity should be at a scale and location that is in keeping with the existing character of the Town and not detrimental to the Village central business district.
7. Future development between the future Route 219 expressway interchange and the Village should be complimentary in nature and scale rather than competitive with the existing Village central business district, however, “big box” development should not be encouraged.
8. Permit small-scale home based businesses that are compatible with the neighborhood in which they are located, and that do not change the character of the residential property in order to provide employment opportunities for residents.

9. In order to increase employment opportunities, prioritize and implement the economic development projects identified in the 2018 Downtown Revitalization Initiative (DRI).

### **Goal E**

**To recognize recreational tourism as an important industry in the Town and to encourage its expansion and diversification.**

### **Objectives**

1. Support a wide variety of opportunities for outdoor recreation activities, in locations where their development is compatible with surrounding land uses and does not result in adverse negative impacts on the surrounding natural environment.
2. Protect the natural environment as a means to sustain the economic opportunities of recreational tourism.
3. Support efforts to promote multi-purpose trails throughout Cattaraugus County.
4. Support the implementation efforts of the Ellicottville Great Valley Trail Master Plan as adopted by the Town Board and identified in the Downtown Revitalization Initiative.

## **7.5 A Community of Diverse People**

Ellicottville residents are fortunate to be a special blend of people that makes the community vibrant. To maintain this diverse population in the future, a determined effort must be made to encourage increased economic opportunity and accommodate affordable housing.

### **Goal F**

**To have a diverse population by encouraging a variety of housing types and values in order to keep Ellicottville as a vital and sustainable residential community.**

### **Objectives**

1. Promote increased development of year-round residences including vacation homes.
2. Make a determined effort to encourage increased economic opportunities that pay wages suitable for the local housing market.
3. Promote a variety of housing types in terms of style (attached, detached or multi-family) and affordability (owner-occupied, rental or duplex).
4. Allow a range of densities for residential development, in order to accommodate all income levels and age groups, including senior living opportunities.

5. Encourage affordable housing by allowing manufactured (HUD code) homes in appropriate areas of the Town.
6. In order to attract and retain full time residents, prioritize and implement funding and buildout of public projects (identified in the DRI) that increase the quality of life of our community.

## 7.6 Transportation

A good transportation system is critical to the continued economic health of Ellicottville. Business and industry rely on a good transportation system to move raw materials and goods into and out of the area. The desirability of Ellicottville as a tourism destination and as a second home market is also dependent upon the transportation network.

Currently Ellicottville is served by two major roadways, US Route 219 and NYS Route 242, which intersect in the Town. NYS Department of Transportation has recently announced, after years of study, that US Route 219 will be upgraded to a four-lane freeway that will by-pass Ellicottville. One interchange, located at Route 242 near Bryant Hill Road, is planned to serve Ellicottville.

In addition to automobile traffic, pedestrian access is also important to the Town. It is often easier to walk from areas of the Town close to the Village into the Village than to drive. An adequate pedestrian and bicycle network near the Village is a factor in the excellent quality of life that residents enjoy.

### **Goal H**

**To maintain a workable transportation network that includes both vehicular and pedestrian components, which link the residential and activity centers in the Town to each other and to the Village Center and which link Ellicottville to the greater Western New York region.**

### **Objectives**

1. Support the rapid completion of the US Route 219 freeway alternative.
2. While Ellicottville is a destination and the four lane freeway benefits access to Ellicottville from the distance, unintended consequences from reduced access should be identified and mitigated.
3. The Town and Village should investigate a “Complete Streets” plan and policies for each municipality.
4. Promote the extension and maintenance of the existing sidewalk system in areas near the Village, especially along Route 242 from the Village boundary to HoliMont, and east along Route 242 to Route 219 and north along Route 219 through the area currently located within

the General Commercial zoning district.

5. Promote the construction of a bicycle path/pedestrian walkway to Ellicottville Central School and to the new site of the Ellicottville Memorial Library.
6. Coordinate with the Village and NYSDOT to facilitate expansion of sidewalks and pedestrian access to support a fully walkable community in all directions outside the Village and generally within the water and sewer service areas.
7. Promote the development of a system of bicycle lanes adjacent to major public roadways in the Town, especially Route 242 and Route 219 as well as Maples Road (CR 13) Sugartown Road (CR 71).
8. During the detailed planning for Route 219, work with the NYS Department of Transportation to ensure that the Finger Lakes Trail and other hiking, biking and snowmobile trails are not bisected or cut off by the new alignment.
9. The Town supports the development of additional trails in the Town of Ellicottville, including the initiative by Cattaraugus County to provide a system of horse trails throughout the County.

### **Goal 1**

**To ensure that future development along the Route 242 East Corridor will be compatible with the existing character of the community.**

### **Objectives**

1. Strip commercial development should be prohibited throughout Town, especially along the entire 242 corridor. Clusters or nodes of more intense non-recreational tourism development should be located near the highway interchange. The various nodes of commercial or light industrial development should be located along access drives and separated by low density residential development and, where feasible, open space.
2. Access off Route 242 should be limited. New development should be encouraged near intersections with access from the intersecting roads. Wherever possible, new development should use shared access from new roads built to municipal standards for dedication.
3. Free flow of traffic on Route 242, a major access road to the Village and Town, should be maintained through the use of traffic access management techniques.
4. New development should be located so that it draws travelers beyond the immediate interchange area and into the Village.
5. The Town should strive to protect the corridor by (2) by protecting the visual, physical and environmental character along the corridor.

6. New development within the 242 East Corridor should be subject to architectural and site plan review to ensure consistency with the existing character of the Town.
7. New development that provides goods and services for local residents should be encouraged.
8. New development that will create jobs and increase the tax base should be encouraged.
9. The Town should work with NYS Department of Transportation when it designs the bridge crossing over Route 242. This is a highly visible location, which is seen from the ski slopes and other parts of the Town, and care should be taken with the design of the structure to ensure that it is aesthetically pleasing.
10. NYS Department of Transportation plans indicate a “possible park and ride lot” and a “possible NYSDOT maintenance yard” at the Ellicottville interchange. The Town should work with NYS Department of Transportation to ensure that the park and ride lot is aesthetically appropriate for this visible location, and to ensure that the maintenance yard is sited in a more appropriate location.

## **7.7 Community Facilities and Utilities**

No new development may occur that overburdens facilities and services in the Town. Adequate public services to accommodate development must be in place in order for the development to proceed. It is a policy of the Town to avoid excessive tax rate growth because of unanticipated expenditures for new or improved Town facilities or services.

Ellicottville continues to deal with constraints from wet-weather in the sewage treatment plant and the mains leading to the plant. At the present time new development in the Town (and the Village) is correspondingly constrained. This is a problem facing both the Town and the Village, and the two municipalities continue to work together cooperatively to solve these problems. If at some time in the future it becomes evident that the existing sewage treatment plant will not be able to accommodate future growth in the Town, the Town may consider building a separate facility or separate trunk lines to the existing plant.

### **Goal J**

**To provide for the orderly growth of the Town of Ellicottville, commensurate with the ability of the Town's municipal water supply and sewage disposal systems to support such growth.**

### **Objectives**

1. Work with the Village of Ellicottville to develop a comprehensive, fair, and economical solution to the problems with the wet-weather capacity of the sewage treatment plant.

2. Ensure that new development does not adversely affect the aquifers that are the source of the Town's water supply.
3. Explore use of the Town Center for additional functions that cannot be housed in the Town Hall.
4. Investigate continued cooperation with the Village to identify, study and implement opportunities for additional shared services or consolidations, without jeopardizing Village or Town autonomy.

### **Goal K**

**To provide for adequate staffing of emergency services such as the Ellicottville Fire Department and Ellicottville/Great Valley Ambulance Company.**

### **Objectives**

1. Continue to work with the Town of Ellicottville to develop a plan to more efficiently train new members of the Fire Department, i.e. supporting involvement of junior members.
2. Work with the Town to develop a more permanent way of staffing the Fire Department.
3. Continue to work with the Town to develop a plan to increase interest in volunteerism to benefit the Fire Department and Ambulance Company, such as instituting the service award program.

## **Chapter 8**

# **Future Land Use Plan and Recommendations**

# Chapter 8

## Future Land Use Plan and Recommendations

### 8.1 Comprehensive Plan Map

#### A. Guiding Principles

The Comprehensive Plan Map (located at the end of this chapter) shows areas where various types of development are encouraged. The land use districts were delineated using the following general principles:

- Areas of higher density development are located in areas that have both Town water supply and sewerage disposal systems.
- Land Use districts follow property lines or some physical feature, to maximum extent possible.
- The Plan provides for types of land uses that the Town wants to maintain or to encourage in the future, such as high density residential development, low density residential development, commerce and industry, and agriculture.
- The Plan is intended to promote a pattern of development in which nodes of compact, higher density development are surrounded by less dense development. Linear development patterns (both strip commercial and strip residential) along major highways should be avoided.
- The Plan provides that more dense development should be located in areas that are relatively close to the Village. Outlying areas of the Town are intended to provide a location for agriculture and for low density residential development.

The Comprehensive Plan Map will serve as a basis for revising the Town's Zoning Map. The Comprehensive Plan Map may show a somewhat more expansive development pattern than that designated on the Zoning Map. The Comprehensive Plan Map shows areas where development is feasible and/or desirable in the future, and may be dependent upon certain events occurring, such as the extension of municipal utilities. The Zoning Map shows what is allowable at the present time; both the Comprehensive Plan Map and Zoning Map should be reviewed and amended periodically as circumstances change.

The Comprehensive Plan Map contains the following land use districts:

<u>Map Codes</u>	<u>District</u>
C	Conservation
A-R	Agricultural-Residential
LD	Low Density Residential
MD	Medium Density Residential
HD	High Density Residential
GC	General Commercial
I	Industrial
CO	Route 242 Corridor Overlay (for future implementation)

## **B. Conservation District**

The purpose of the Conservation District is to protect fragile wetlands and streams and to maintain a scenic corridor along major transportation routes. In addition, the Conservation District is intended to prevent the scattering or spreading of commercial and residential development in a linear pattern along the transportation corridors by minimizing access points. However, during its 2017 review of the Comprehensive Plan, the Town determined that in some areas along roadways, the 100-foot Conservation District buffer may not be as effective in deterring unwanted development as intended, and its implementation may be overly restrictive; hampering the small-scale development goals of residents and small business in some corridors.

In order to achieve these objectives, and to balance small business goals, the Town should implement regulatory controls for access, setbacks, and vegetative screening, but not in such a way as to block all use of land in the 100-foot buffer corridors. It should also encourage private initiative by developers in the preservation and enhancement of these scenic corridors and sensitive areas, without preventing development.

For lots that are located entirely within the Conservation District, the minimum lot size should continue to be five acres. Since one of the primary purposes of this district is to maintain a scenic corridor along the major transportation routes, development that occurs on property that is located in both the Conservation District along the frontage and another district in the rear should maintain the required front yard setback for the Conservation District. In some cases this may require that future development will occur outside of the Conservation District, or one hundred feet from the right-of-way line.

The Conservation District includes floodways and floodway fringe areas along Great Valley Creek and Beaver Meadow Creek, New York State designated wetlands, and select areas of steep slopes. These roadways are:

- US Route 219 (from Lindberg Road to its intersection with Route 241)
- The future alignment of US Route 219
- Route 242 East (up to the future interchange)
- Route 240 (West Valley Road) (south of Fancy Track)

In addition, along portions of US Route 219 the Conservation District extends to the 1900 foot contour in elevation. Along portions of Route 240 (West Valley Road) the Conservation District extends to the 2000 foot contour in elevation, as shown on the Comprehensive Plan Map. These designations are made because of the very steep slopes in these areas.

### Recommendations:

- Update Comprehensive Plan Map.
- Investigate changes in land use controls for access, setbacks, and vegetative screening to allow more uses in the 100-foot buffer corridor.
- Encourage private initiatives by developers in the preservation and enhancement of these scenic corridors and sensitive areas, without preventing development.

### **C. Agricultural-Residential District**

In creating this district, it is the Town's intent to protect significant natural and scenic resources and the rural character of the Town. Another purpose of this district is to provide an opportunity for the continuation of agricultural activities, which are historically important to the economy of the Town and which contribute to its appealing rural character.

The Agricultural-Residential District provides an opportunity for low density residential development. It is expected that this land use district will also provide an opportunity for moderately priced housing. Minimum lot size is intended to be two acres, which is consistent with an area that is not served by municipal water supply and sewage disposal systems. Clustered subdivisions may be appropriate in this district, assuming adequate provision of sewage disposal and water supply systems, in order to protect scenic and natural resources and farmland.

Recommendations:

- Consider amendments to land use controls that better balance interests in protecting agriculture, preserving sensitive natural resource corridors, and not preventing development

### **D. Low Density Residential District**

The purpose of the Low Density Residential District is to provide a location for residential subdivisions. The Low Density Residential District is intended to serve the needs of not only the second home market, but also the resident looking for a more reasonably priced lot.

Land in this District is located close to major transportation corridors. The minimum lot size in this district is intended to be two acres. Clustered subdivisions are encouraged in this district. When appropriate, municipal water supply and sewage disposal services may be expanded to these areas.

### **E. Medium Density Residential District**

The purpose of this district is to offer an opportunity for medium density residential development in areas in close proximity to commercial recreational activities and transportation corridors. In areas where municipal water supply and sewage disposal facilities are available to support medium density residential subdivision, the minimum lot size may be 12,500 square feet.

Some of the areas designated as MD on the Comprehensive Plan Map do not yet have the infrastructure available to support this density; therefore, these areas are not suitable for immediate rezoning to the MD Zoning District. These areas can be rezoned at a later time when suitable infrastructure is available, either through expansion of the municipal infrastructure, or when a private developer provides a municipal water supply system and a municipal sewerage collection and disposal system that are appropriate to the density being proposed.

## **F. High Density Residential District**

The purpose of the High Density Residential District is to provide an opportunity for a variety of high density residential development, including multiple-family structures, which could be either rented or owner-occupied units, and townhouses and other types of attached single-family development. In addition, this district provides an opportunity for the development of hotels, convention and banquet centers and commercial establishments that support the ski resorts, tourism, and other commercial recreation land uses. Some general retail and office development that serves both residents and visitors may also be appropriate in this district, to the extent that those uses do not conflict with surrounding land uses.

Areas in the High Density Residential District are those that are located in both the Town's water district and sewer district. These areas are generally located close to commercial areas, ski areas and transportation corridors. This district is generally intended to serve the ski resort and tourism industry and to provide a greater density of housing close to the ski resort base. To reduce traffic volumes and potential congestion, shuttles and other mass transit systems should be encouraged in these areas. Sidewalks and/or trails should also be constructed or extended to provide access that is not motor-vehicle based.

### Recommendations:

- Promote residential and recreational commercial uses that are consistent with surrounding character and that promote the intent of the HD district.
- Construct or expand sidewalks and/or trails to connect the Village with activity centers in the Town.

## **G. General Commercial District**

The General Commercial District provides a location for retail trades and service uses that are compatible in scale and use with the surrounding area. These types of commercial activities are necessary for both residents and visitors. Commercial development is intended to be concentrated in nodes near major transportation corridors, and not spread out along those corridors. Since the 2012 Comprehensive Plan Update, former industrial land uses along Route 219 North were vacated, leaving commercial spaces available for re-development. This area is currently zoned General Commercial would be appropriate for either high density residential or commercial uses.

### Recommendations:

- Utilize the commercial design standards established in Section 13 of the Zoning in order to ensure that commercial development will not adversely affect the environment and is aesthetically compatible with the character of the community.

## **H. Industrial District**

The purpose of the Industrial District is to provide an opportunity for office, warehousing and light industrial development in the Town, in order to diversify the economic base of the

community and to provide employment opportunities to residents. This district will supplement the amount of land available for light industrial development within the Village.

Land within this district is located adjacent to the rail line and also to Route 242, so that adequate transportation services are available. The topography in this district is relatively flat, which is appropriate for this type of land use. Portions of this district are within the floodway and floodway fringe, so when development of this area occurs, the Town should ensure that the development is appropriately sited and designed so that areas downstream of the development are not adversely affected. Part of the land in this district overlays the aquifer of Great Valley Creek. Future development in these areas should be of a nature and design that will not adversely affect this aquifer, which provides the drinking water supply for the Town and Village.

The Town should regulate the land uses allowed within the Industrial District to ensure that they will not adversely affect the environment or adjacent properties, and that they are aesthetically compatible with the character of the community. This can be achieved by applying the design standards for these types of land uses already set in the zoning ordinance, and by requiring activities within this district to be subject to Special Use Permit and Site Plan Review provisions of the zoning ordinance.

As the Town develops over time, it may be that continued industrial uses become infeasible. In that case the Town should reexamine the area currently designated for Industrial use to determine if it would be more appropriate to designate this land for future residential or commercial development.

**Recommendations:**

- Utilize the industrial design standards established in Section 13 of the Zoning in order to ensure that industrial and commercial development will not adversely affect the environment and are aesthetically compatible with the character of the community.
- Work with Cattaraugus County Industrial Development Agency and New York State economic development officials in order to identify and attract more diverse industrial and manufacturing enterprises.

**I. Route 242 Corridor Overlay District**

New York State's plans to upgrade Route 219, which include the construction of an interchange at the intersection of Route 219 and Route 242, will increase the use of Route 242 East as a major corridor into the Village of Ellicottville. This area is likely to see increasing pressure for development in the future. In order to ensure that this future development is appropriate in nature and complements the character of the area, a Corridor Overlay District is proposed. The text of the proposed Corridor Overlay District was drafted as part of the Route 242 East Corridor Study and should be reviewed and updated to correspond with the latest NYSDOT plans as well as with Towns objectives for this corridor.

The overlay district will apply to all the land in the Route 242 East Corridor beginning at the boundary with the Village of Ellicottville and extending east until the boundary with the Town of Franklinville, for one-half mile on either side of Route 242. Provisions of the overlay district

would apply to all new commercial, industrial and multiple family development within the district. Criteria for site development include specific regulations concerning landscaping, limiting access to one curb cut per lot, limited architectural guidelines and buffers.

The area around the proposed interchange will be appropriate for future commercial use. This is designated by a red circle on the Comprehensive Plan Map. When construction of the interchange for the upgraded US Route 219 is imminent, an area around the interchange should be rezoned for commercial development. The exact location of any future commercial area will be determined later time. The precise location of any commercial area is dependent, in part, upon the plans of the NYS Department of Transportation for this area.

Services oriented toward through travelers should be encouraged around the proposed freeway interchange. Gasoline stations with limited retail and restaurant uses would be far enough away from the Village business district and would not directly compete with these existing businesses. Prior to the rezoning of this area, the Town should adopt the development standards contained in the proposed Route 242 Corridor Overlay District.

The area between Horn Hill Road and Irish Hill Road contains a significant amount of land that has slopes of 25 percent or greater. This area is zoned LD and should continue to be reserved for low density residential development and agricultural activity. These land uses will provide a buffer between the more intense development in the Village and that of the area around the new interchange.

It is along the portion of Route 242 East from Route 219 North into the Village where the most commercial development pressure is anticipated in the near future, while development in the vicinity of proposed interchange of the Route 219 expressway and Route 242 East is farther in the future.

Recommendations:

- Review and update Route 242 Overlay District for future adoption, pending construction of the Route 219 expressway interchange.

## **8.2 Land Use Policies**

This Section of the Comprehensive Plan sets out policies that are intended to implement the goals and objectives contained in the previous chapter. These policies will guide development to be respectful of the environment and of the character of the community. These policies apply to development across different land use districts, and therefore apply to more than one district.

### **A. Steep Slopes**

Development on steep slopes, which are defined as slopes of 25 percent or greater, can be environmentally unsound because of the potential for an increase in erosion. In addition, development on steep slopes can be difficult for emergency vehicles to access due to steep road grades, which causes potential problems to the health and safety of the residents of the area. Development on steep slopes can also be aesthetically unsightly, due to areas of large cut and fill

and the necessity for large retaining walls, which conflict with the natural, vegetated character of the community. Furthermore, large areas of cut and fill may be unstable unless suitably engineered, posing a potential hazard.

For all these reasons, the Town should establish guidelines that address the issues of slope of graded areas. These regulations could establish a minimum slope of finished grade, should require that the graded area maintain a natural appearance, should establish policies for seeding and revegetating to stabilize the soil. The regulations could also establish a maximum height of cut banks. Site development should also insure that there is no uncontrolled runoff of storm water onto other people's property or the public right-of-way. Any regulations should recognize that commercial recreation development, such as ski resorts must be sited, in part, on steep slopes, and so any future regulations should not preclude expansion of existing facilities or the creation of new facilities.

In addition, the Town should examine the minimum setbacks established in the zoning ordinance to determine if these setbacks actually increase the need for cut and fill to provide for longer driveways. If the front yard setbacks were reduced, this would reduce the amount of grading necessary for driveways and house sites.

The Town has regulations regarding slope of public and private roads and of private driveways for major developments. The Town also controls the portion of any driveway, including those for single-family homes, in the Town's right of way where the driveway connects to a Town road. The Highway Superintendent requires a culvert permit for all new development. This is necessary to ensure that proper drainage is provided. The culvert permit requires that the driveway must be flat until it is behind the drainage ditch. NYS DOT and Cattaraugus County also have regulations for driveway access to their rights-of-way.

## **B. Affordable Housing**

In order to provide an opportunity for affordable housing, manufactured homes (HUD Code homes, which are also referred to as mobile homes) on individual lots should be permitted in suitable low density areas (LD and AR districts) of the Town. The Town could develop appearance standards specific to such homes, which would ensure that manufactured housing is compatible with the community, but which are not so onerous that the manufactured homes become unaffordable.

Manufactured homes on single family lots will provide one type of affordable housing for residents of the Town and, with appearance standards, will fit into the rural character of the community. However, manufactured home parks and mobile home parks, which are more dense in nature, are not consistent with that rural character. Such homes tend to depreciate in value.

The Town of Ellicottville has one mobile home park that is partially located within its boundaries. Instead of providing affordable housing for year round residents, that facility primarily serves as vacation and second homes for seasonal residents. Several mobile home parks are located in surrounding communities in Cattaraugus County. Therefore, the regional need for manufactured and mobile home parks is met.

### **C. Surface Waters - Great Valley Creek**

Surface water resources are particularly important in Ellicottville due to the Town's reliance on tourism as the primary component of the local economy. The ski resorts use surface water for snowmaking, which is essential for their operations; contamination of surface water could adversely affect this industry's ability to make snow. Fishing, hunting, off-road bicycling, and other outdoor recreation are all essential elements in bringing people to Ellicottville, and these activities could also be adversely affected by surface water contamination. Therefore, it is particularly important in Ellicottville to safeguard surface water resources, since these resources actively contribute to the local economy.

As a class (C) and standard C(T) stream, Great Valley Creek is a “protected stream” under NYSDEC regulations. The creek and its tributaries flow through the Town and Village from the north-northeast to the south. Great Valley Creek is important to the community as it provides recreation opportunities, natural habitat, and scenic value to Town residents and visitors. Great Valley Creek also carries storm water and flood waters through the community and serves as the discharge point of treated effluent from the wastewater treatment facility. While development along Great Valley Creek can enhance economic development activities, it should also be carefully considered for its possible effect on water quality, creek access and protection of adjacent habitat.

Great Valley Creek has recently been proposed by the State for designation as an inland waterway eligible for inclusion in the NYS Department of State’s Coastal Management Program (CMP) on a voluntary basis. This designation would allow the Town and Village to jointly prepare and individually adopt a Local Waterfront Revitalization Program (LWRP)<sup>1</sup>. An LWRP would then provide more detailed planning and implementation of development policies. An LWRP would allow the Town and Village to conduct a detailed inventory of natural and built resources, define water-dependent and water-enhanced uses, identify proposed projects and establish their own waterfront policies.

#### Recommendations:

- Encourage State-designation of Great Valley Creek as an inland waterway and subsequently seek funding to prepare a Local Waterfront Development Plan.

### **D. Preservation of Community Character and Scenic Resources**

As noted throughout this Plan, preservation of the rural character of the community is very important. This includes protecting the community’s scenic resources. The primary economic engine in the Town is four-season tourism. Maintaining an attractive, rural community is an important component of Ellicottville’s tourism-based economy. A goal of the policies contained in this Comprehensive Plan focuses on maintaining the rural character of the community and on protecting the natural environment as a means to sustain the economic opportunities of recreational tourism. This section outlines several policies to accomplish this.

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<sup>1</sup> NYS Department of State, Division of Planning, Local Waterfront Revitalization Program. Website last accessed July 13, 2018, <https://www.dos.ny.gov/opd/programs/lwrp.html>

## 1. Protection of Significant Ridgelines

This Comprehensive Plan has identified significant scenic ridgelines that should be protected to preserve the rural character of the community, which is highly valued by both residents and visitors. The Town should ensure that future development of these designated areas meets the criteria in this section. These guidelines for development are intended to apply to commercial, industrial and residential development. Commercial recreation development, such as ski resorts and ancillary activities, by their very nature, are required to be sited, in part, on ridgelines, and so should be exempted from these guidelines.

**Visibility:** All structures should be sited to avoid obstructing public views of the Scenic Ridgeline. Public viewing locations are those listed in Appendix B of this Comprehensive Plan. These locations are frequented by the public and offer unobstructed views of the ridgelines.

**Siting:** All structures should be sited away from ridgelines. Whenever possible, structures should be sited at lower elevations and close to existing roads. Structures should be sited such that the top of the structure is not visible on the horizon above the tree line or the ridgeline, whichever is higher. Site lighting should be arranged so that it is not visually intrusive when viewed from the designated public viewing locations.

**Design:** Structures should be designed to blend with their natural surroundings, in terms of height, and building color and materials.

**Screening:** Preservation of existing mature vegetation is encouraged to the maximum extent feasible. Preservation of some individual major trees or other vegetation may be required to provide screening of the structure. The planting of new trees and other vegetation to screen proposed buildings may also be required.

**Clustering:** Clustering of development may be necessary to preserve views. In this case, the protected ridgeline will be required to be placed in a conservation easement, or similar legal protection, to protect it from future development.

**Tree cutting:** Cutting of all trees in a single contiguous area exceeding 40,000 square feet should be restricted. If it is necessary to clear a larger area, this could be permitted by the Planning Board or similar public board following review of the proposal.

These criteria can be implemented by establishing a scenic ridgelines overlay district that will apply to specifically designated areas. The Town should determine if these criteria will apply to all development within the overlay district, including individual single family homes, or only to major developments that require approval by the Planning Board.

## 2. Scenic By-way Designation

The Town of Ellicottville worked with other communities in the Route 219 Corridor, and with Cattaraugus County, to seek the designation of Route 219 as a Scenic By-way. The designation

emphasizes the importance of the scenic nature of roadway in the community. It provides economic development benefits by making the road more prominent statewide.

As communities to the north of Ellicottville were seeking such a designation for a portion of Route 219, the Town also initiated a similar effort. In February 2017 the Town Board passed a resolution supporting the inclusion of Route 219 in Ellicottville in the Western New York Southtowns Scenic Byway (WNYSSB). In Cattaraugus County, the WNYSSB now incorporates portions of Route 219, State Route 240, and State Route 242 within the Towns of Ashford and Ellicottville, and the Village of Ellicottville.

### **3. Regulation of Signage**

Proliferation of signage, especially along rural roadways, has the ability to detract from the scenic quality of these roads. Therefore, the Town should review its existing sign regulations and assess whether or not they should be strengthened in order to prevent the proliferation of unnecessary signage.

Recommendations:

- The existing sign regulations should continue to be reviewed and updated in order to keep up with new technologies, including a variety of digital displays
- An inventory of existing signs should be undertaken in order to identify their status in terms of permitting and conformity to existing Town and State regulations .
- Confirm with the NYSDOT if Scenic By-Way rules conflict with existing or proposed amendments to the sign regulations, including location within the Agricultural Residential District and Conservation District.

### **4. Solar**

#### **Utility-Scale Solar Energy**

Solar Farms are commercial developments of solar panels (arrays) which are used to generate electricity for sale back to the electric grid. Because solar panels are highly visible, they have the potential to affect the scenic quality of the Town. On the other hand, solar farms provide renewable, “green” energy. Currently there are no solar farms in the Town of Ellicottville.

Any future development of solar farms should be carefully regulated. The Town zoning should be reviewed and amended in order to develop appropriate land use controls, in keeping with Town goals and objectives.

#### **Residential Solar Energy**

Solar energy systems are available for installation on residential and non-residential properties. Solar energy systems should be permitted as an accessory use while protecting the safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. New York State offers unified solar permitting for eligible solar photovoltaic installations, which

can be adopted by municipal authorities to streamline the process while providing a consistent and thorough review of applications and installations.

In 2017, the Town Board voted to adopt the New York State Unified Solar Permit application form and procedures for the installation of small-scale photovoltaic systems.

If ten contracts are signed for solar installation in the Town, additional incentives are available on top of the Federal and New York State tax benefits. The Town would then be eligible for additional grants. The Federal Tax benefits end in 2021. Additionally, the current net metering rules, which benefit solar usage, end in 2020.

**Recommendations:**

- The Town should now consider incorporating the requirements of the Unified Solar Permit into the zoning in order to support solar projects.
- Designed in conformance with NYS Building Code

**Clean Energy Communities**

The New York State Energy Research and Development Authority (NYSERDA) has begun designating Clean Energy Communities to support local government leaders across the State to implement energy efficiency, renewable energy, and sustainable development projects in their communities. Clean Energy Communities advance the Governor’s Reforming the Energy (REV) strategy by demonstrating the importance of communities in helping New York reach its Clean Energy Standard of 50 percent of the State’s electricity coming from renewable energy resources by 2030. NYSERDA has identified 10 High Impact Actions that local communities can do to contribute to statewide energy goals. Once a community shows it has completed four of these 10 actions, it is eligible to receive a grant to tackle additional sustainable projects or actions.

In 2017, the Town completed four of the 10 High Impact Actions. The four actions completed were:

- Clean Fleets – installation of an electric vehicle charging station;
- Energy Code Enforcement Training – training code compliance officers in best practices in energy code enforcement through training, collaborative plans reviews, and joint onsite inspections of local construction projects;
- Benchmarking – a process of measuring a building’s energy use, tracking that use over time, and comparing performance to similar buildings to promote the public health, safety, and welfare and by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town; and
- Unified Solar Permit – adoption of the New York State Unified Solar Permit application form and procedures for the installation of small-scale photovoltaic systems.

As a result, the Town of Ellicottville has been designated a Clean Energy Community by NYSERDA. This designation gives the Town an opportunity to apply for up to \$50,000 toward additional clean energy projects, with no local cost share.

The Town of Ellicottville is eligible for Technical Assistance from the Southern Tier West’s Clean Energy Coordinator, who can work with the Town to develop a local campaign and discuss the Clean Energy Communities program.

Recommendations:

- Incorporate the NYS Unified Solar Permit into zoning laws.
- Work with the Southern Tier West’s Clean Energy Coordinator to develop a local clean energy campaign and discuss possible uses for the Clean Energy Communities grant(s).

## 5. Junk Yards

Junk yards, by their very nature, are unsightly and can pose health hazards. As New York State Department of State has recognized: “The accumulation of junk can reduce property values, be an eyesore and an attractive hazard to children and be a potential health risk.”<sup>2</sup>

The high fences that are required by New York State to enclose junk yards are themselves unaesthetic and incompatible with the rural character that Ellicottville wants to maintain. In addition, such fences often do not provide adequate visual screening when the topography is varied, as it is in the Town. Junk yards often contain parts from automobiles and other machinery that contain oil, petroleum, battery acid and other potentially harmful residues. These residues could seep into the ground and eventually could contaminate groundwater. Since much of Ellicottville overlies significant aquifers and since many of Ellicottville’s homes and other development are served by private wells, and the public water supply is also derived from wells, protecting the purity of groundwater is essential.

Currently there are no permitted junk yards in the Town of Ellicottville. However, as Section 136 of General Municipal Law acknowledges, there is a regional need for well-maintained and appropriately sited junk yards and automobile dismantling yards. Cattaraugus County currently has several licensed junk yards, including ones in the Town of Mansfield and the Town of Great Valley; both of these communities abut Ellicottville. Other junk yards are located in Cattaraugus County, including a large facility on Route 16 in the Town of Farmersville and a scrap metal facility in the Village of Allegany. Therefore, there are ample facilities to meet the regional needs of the County.

In order to protect the aesthetic character of the community; to preserve water quality; to promote a clean, wholesome, and attractive environment; to protect the community from potential hazards to property and persons; to protect the health, safety, and welfare of the residents of and visitors to Ellicottville; and to prevent the depreciation of property values, the zoning has been amended to prohibit junk yards in the Town of Ellicottville.

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<sup>2</sup> Division of Local Government Services, New York State Department of State, and Tug Hill Commission. *Controlling Junk*. James A. Coon Local Government Technical Series, January 2004, p 1.

### **E. Cluster Subdivision Development and Townhouse Density**

The natural and scenic resources of the Town can be protected, in part, by encouraging new residential subdivisions to be clustered. Clustered subdivisions provide a means to relocate proposed development away from scenic resources or environmentally sensitive areas, while allowing the property owner to maintain the density of the project. Clustered development also promotes the development of fewer driveway entrances onto major roadways, thus promoting safety and a free flowing transportation system. This also reduces the costs of road construction. The town should encourage the use of clustered subdivisions, where appropriate.

Cluster subdivisions usually consist of detached single family home developments, on lots that are smaller than that which would ordinarily be required by the Town’s zoning law. However, there may be some instances where a cluster subdivision could include townhouses and other forms of attached single family homes. Townhouse developments, whether as an individual development or as a component of a larger development, promote efficient use of land and have the potential to protect sensitive resources, such as wetlands, through creative design. However, care must be taken to ensure that townhouse (and other attached single family home) developments are designed to be sensitive to natural resources, to the surrounding land uses, and to the character of the community. In order to ensure that a townhouse development is not out-of-scale with other development in the Town, the density of such developments should be capped at eight units per acre. For a townhouse development with very small units, which would accommodate more units within a footprint similar to a development with larger units, a density of greater than eight units per acre may be allowable, under some circumstances.

It is important to note that maximum density is measured by units per acre and should be determined after the yield is calculated. Yield is the total number of units allowed on a property based on minimum lot size and considering areas set aside for roadways, storm water management, usable open space, and reductions for steep slopes, streams, and wetlands. Clustering does not increase the number of lots (yield) that could be developed on a property if it were not clustered.

Recommendations:

- Clarify the definitions of density vs. yield in the zoning.

### **F. Paper Subdivision**

Residential subdivision that were approved years or decades ago but never developed may not meet current road standards or requirements for water and wastewater provision. In addition if zoning use or area/dimensional standards have changed development of these “paper” subdivisions may not be consistent with the Town’s land use policies or this comprehensive plan. Therefore, it is recommended that the subdivision regulation be reviewed and updated as necessary to require the review and abandonment of long-undeveloped subdivisions.

Recommendations:

- The Town should review that status approved, yet undeveloped subdivisions in order to determine if they can be built in accordance with today’s standards.

### **G. Strip Commercial Development**

It is the policy of the Town of Ellicottville to encourage commercial development in concentrated, selected areas, as shown on the Comprehensive Plan Map. Less dense development is proposed between these commercial areas. This land development pattern is proposed to reduce the possibility for strip commercial development, which is unsightly and which can cause traffic congestion.

Within areas where commercial development is allowed, the Town will encourage the use of shared driveways, excellent design, and high quality to ensure that future development is in keeping with the character of the Town.

### **H. Route 219 Freeway Alternative**

The Town of Ellicottville strongly supports New York State's plans to construct Route 219 as a freeway alternative. However, this will have some potential effects on Ellicottville that will require coordination between NYS DOT and the Town in order to ensure that potential adverse impacts are alleviated and that the freeway alternative provides positive benefits to the community.

The Town should work with NYS Department of Transportation when it designs the bridge crossing over Route 242. The bridge, as currently proposed, will be quite long and high, and it will be sited in an area that is highly visible from the ski slopes and other parts of the Town. The design of this structure should ensure that it is attractive and aesthetically pleasing. It should contribute to the built environment in a positive manner.

NYS Department of Transportation plans show a "possible park and ride lot" at the Ellicottville interchange. This interchange will be in a highly visible location at what will be a new gateway to both the Village and Town of Ellicottville. It is important to maintain the aesthetic appeal of this area. The Town should work with the NYS Department of Transportation to ensure that any park and ride lot is appropriately sited, attractive, and well-landscaped.

### **I. Adult Businesses**

Adult businesses, which are sometimes referred to as sexually oriented businesses, are commercial establishments that sell or provide materials, entertainment and services that are primarily sexual in nature and that are intended for adult entertainment. Types of adult uses include, but are not limited to, establishments that sell adult (XXX) books, magazines and videos/DVDs; and bars, restaurants, clubs and similar establishments that feature topless or nude entertainment or dancing.

These types of land uses are generally considered to be undesirable in a community; however, there have been a series of court cases spanning many years, which have determined that adult publications, materials and businesses are protected as free speech under the First Amendment to

the US Constitution. Municipalities may regulate adult businesses, but they may not exclude them from a community.

In 1997-1998 the Town and Village of Ellicottville conducted an Adult Business Study. This study examined adult businesses in other municipalities and the secondary impacts that occurred in those municipalities as a result of those businesses. The Adult Business Study concluded that there is a potential for adult businesses to locate in Ellicottville and that both the Town and the Village would experience adverse secondary impacts from these types of businesses, if left unregulated. Such secondary impacts include the potential for the proximity of such uses to sensitive land uses such as churches, schools and residential areas.

Therefore, the Adult Business Study recommended amendments to the Zoning Ordinance, which would regulate adult businesses in order to control the potential adverse secondary impacts from these types of uses. The Town Board subsequently adopted the Adult Business Study and adopted the recommended zoning ordinance amendments, in January 1998.

This Comprehensive Plan reaffirms the conclusions of the Adult Business Study, that unregulated adult businesses could have potential adverse secondary impacts on the Town of Ellicottville.

#### Recommendations:

- It is recommended that the Town again look at the issue of adult businesses, to review the Adult Business Study and to determine if the Zoning Article 12 Section 12.8 (definitions and regulations) are up-to-date with the current state of case law.

### **J. High-volume Hydraulic Fracturing**

The Town of Ellicottville overlays both the Marcellus and Utica shale formations. These formations contain shale gas which can be extracted using high-volume hydraulic fracturing (hydrofracking) techniques, which are often used in conjunction with horizontal drilling and/or the development of multiple wells on one drilling pad.

Oil and gas extraction, primarily from the Medina formation, has historically occurred in Ellicottville. As of this update, according to records on the NYS Department of Environmental Conservation (NYSDEC) website, there were 46 oil and gas wells in Ellicottville. Of these, ten wells are active; all the currently active wells are vertical wells which produce gas. NYSDEC has determined that there are some differences between the more traditional oil and gas extraction techniques and high-volume hydraulic fracturing. These differences include the use of larger volumes of water and the additives used to conduct hydraulic fracturing operations.

NYSDEC defines hydraulic fracturing as "*... a well stimulation technique which consists of pumping a fluid and a proppant such as sand down the wellbore under high pressure to create fractures in the hydrocarbon-bearing rock... The proppant holds the fractures open, allowing hydrocarbons to flow into the wellbore after injected fluids are recovered....* "

At the present time New York State is not issuing permits for wells that will use high-volume hydraulic fracturing. The NYSDEC prepared a Supplemental Generic Environmental Impact Statement (SGEIS) to address issues associated with these drilling techniques which was completed in 2015. According to the SGEIS, these techniques may result in significant adverse environmental impacts, including impacts to water supply, hazards from chemical additives in the hydrofracking fluid, issues relating to wastewater treatment and disposal, truck traffic, and concerns relating to community character and socioeconomics.<sup>3</sup>

The Town of Ellicottville contains several unique or significant features which have the potential to be adversely affected by high-volume hydraulic fracturing techniques. These features and resources, why they are especially significant and important to Ellicottville, and how they could be adversely impacted by the activities associated with high-volume hydraulic fracturing for natural gas extraction are discussed elsewhere in this Plan. The Town policy should continue to put protection of the Town's natural resources as the top priority when considering future policies on high-volume hydraulic fracturing.

If the state of the industry changes and New York State in the future again considers permitting high-volume hydraulic fracturing, then the Town should:

- participate in the evaluation and assessment of potential impacts,
- coordinate with the NYSDEC, and
- update the Town policy towards high-volume hydraulic fracturing, informing the State of its policy position.

## **K. Downtown Revitalization Initiative**

In 2018 the Town and Village worked together to write a grant proposal under the NY State Economic Development's program for Downtown Revitalization Initiatives (DRI). The DRI specifically highlighted several of the EVGV trails as well as improvement to sidewalks and a bike share program as potential projects that will support growth of Ellicottville for both residents and visitors. The results of the DRI application and public input are incorporated into this Comprehensive Plan by reference.

### **8.3 Highway Access Management**

Highway Access Management is a concept developed by NYS Department of Transportation to ensure that new development does not reduce the free flow of traffic on arterial roads. The Town should consider adopting some of the design recommendations of this program in order to ensure that future development on major roads does not cause future traffic congestion.

Congested highways pose more of a safety hazard than uncongested highways. Various land use and traffic management techniques can be implemented now to prevent congestion in the future. By applying these techniques before intensive development occurs, the necessity for expensive retrofitting and other mitigation techniques will be reduced or eliminated.

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<sup>3</sup> NYSDEC, Final Supplemental Environmental Impact Statement (SGEIS), 2015, Executive Summary, Pages 1-3.

Both Route 242 and Route 219 are under the control of the NYS Department of Transportation (DOT). DOT also has a policy of working with local governments to jointly prepare Highway Access Management Plans. It is recommended that the Town Board work with DOT to develop such a plan. By doing so the Town will ensure that DOT is aware of the Town's policies for the major transportation corridors. This will help to ensure that decision-making at the local and state levels is coordinated. In addition, by jointly developing an Access Management Plan, the Town will be able to avail itself of DOT expertise and experience. This will be invaluable in determining technical aspects of the plan. This is especially important for the Route 242 corridor, which is expected to become much more heavily traveled after the completion of the Route 219 freeway alternative.

In 2009, the Southern Tier West Regional Planning & Development Board completed a Planning Study for US Route 219. In the Land Use Report included in the Study, the Planning Board discussed Design Criteria, including Access Management, for Site Plans. The Access Management Criteria includes items such as restrictions on the number and spacing of driveways per development, and promotion of shared access of driveways and parking lots between adjacent developments.

Several techniques for reducing congestion on roadways are briefly discussed below.

One technique for managing arterial roadways is to limit the number of access points. This can be accomplished by permitting only one driveway entrance per commercial development onto major roadways. However, it should be noted that some larger developments may require more than one driveway, due to safety considerations.

When applications for residential subdivisions are reviewed under the Town's subdivision regulations, multiple driveways along existing roadways to serve individual lots should not be allowed. Instead, new access roads, built to Town specifications should be designed, with access to individual lots occurring from the new road. To the maximum extent possible, creation of flag lots should not be allowed.

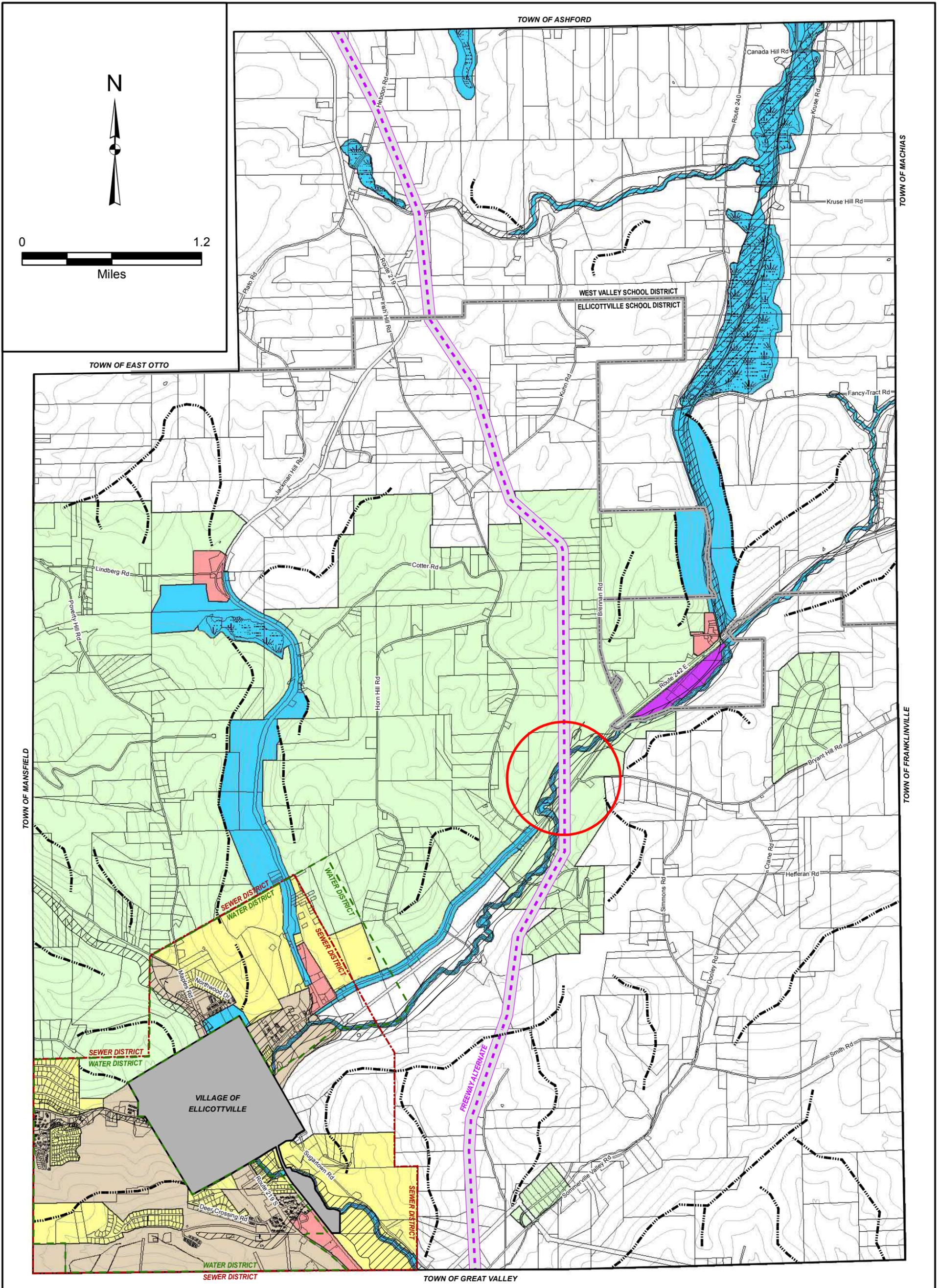
Shared driveways between adjacent developments is another technique to restrict access to existing roadways. Shared driveways reduce congestion by allowing larger spacing between driveways and a reduction of the total number of driveways. This policy is more difficult to implement, since it requires cooperation between two different property owners, and development may occur at different times. Nevertheless, the Town can encourage this by providing a reduction in the number of parking spaces that they are obligated to provide. In addition, the Planning Board can encourage future shared driveways by requiring that driveways be located on the property line, in cases where this is feasible, as a condition of approval.

Provisions to allow for the future interconnection of parking lots can also reduce congestion on adjacent roadways. Essentially the travel lanes in the parking lots serve to link two or more developments, so that traffic does not have to exit onto the highway and then re-enter to reach another, adjacent destination. However, accomplishing this requires cooperation between different property owners. In addition, achieving a safe design of the parking lots will require vigilance on the part of the Planning Board during site plan review. The Planning Board must

assure that the parking spaces in both (or several) lots are oriented in the same direction and that the travel lanes in the parking lots are aligned to assure safe maneuvering between lots.

**Recommendations:**

- Pending action by the NYSDOT to move forward with the Route 219 Expressway and interchange on Route 242, the Town should work cooperatively with the DOT to develop a plan for highway access management that is suitable for the Town. After the Access Management Plan has been formulated, the Town should review its zoning and subdivision regulations to determine if amendments are necessary to those regulations in order to implement the Plan.



**COMPREHENSIVE PLAN MAP**  
**October 2018**

*Town of Ellicottville*  
 Cattaraugus County, New York

PREPARED FOR:  
 THE TOWN OF ELLICOTTVILLE  
 P.O. BOX 610  
 1 WEST WASHINGTON STREET  
 ELLICOTTVILLE, NY 14731

PREPARED BY:  
 AECOM  
 257 WEST GENESEE STREET  
 SUITE 400  
 BUFFALO, NY 14202

**LEGEND**

- Significant Ridge Line Overlay District
- School District Boundary
- Proposed Route 219 Expressway Interchange
- ▭ Proposed Route 219 Corridor
- ▨ Floodway Fringe
- ▨ Wetland
- ▨ Water District
- ▨ Sewer District
- ▭ Agricultural - Residential
- ▭ Conservation
- ▭ General Commercial
- ▭ High Density
- ▭ Industrial
- ▭ Low Density - Residential
- ▭ Medium Density - Residential

Sources:  
 Accident Location Information Service (ALIS), 2016; Cattaraugus County, Office of Real Property, Tax Parcel Data, 2017;  
 Civil Boundaries (CSCIC), 2016; NYS Department of Taxation and Finance, Assessors' Manual, Updated October 25, 2016

**GENERAL NOTES:**

- CONSERVATION DISTRICT BOUNDARIES DEPICT:
1. 100' BUFFER ZONE FROM SELECTED ROAD R.O.W.
  2. STREAM FLOODWAYS
  3. D.E.C. WETLANDS WITH 100' BUFFER
  4. PARKS
  5. SIDE SLOPES OF RT. 219 AND RT. 240
- THE FLOODWAY FRINGE DEPICTED ON THIS MAP IS SHOWN IN ITS APPROXIMATE LOCATIONS. THIS MAP IS NOT INTENDED TO BE USED TO PHYSICALLY LOCATE FLOODWAY FRINGE BOUNDARIES IN THE FIELD.

CONTOUR INTERVAL = 100 FEET (USGS)

# **Chapter 9**

## **Implementation**

## Chapter 9 Implementation

Community planning is an on-going effort, and adopting the Town of Ellicottville Comprehensive Plan Update is only one step. Equally important is the next stage: implementation of the ideas, recommendations and policies outlined in earlier sections. This chapter of the document provides an implementation table that summarizes and prioritizes the recommendations for the Town.

The items listed under each subject area have been assigned potential impact and relative cost ratings of high, medium or low. Other columns identify the type of action that is needed (e.g., administrative, planning, capital investment, regulatory, etc.); the entities that would be responsible for implementation action, and potential funding sources that may be available to help complete implementation actions.

A high impact rating indicates that implementation could significantly transform the topic area. A medium ranking indicates that implementation could significantly enhance an existing initiative in the topic area. A low impact rating indicates that implementation is administrative – review, maintenance or updating of existing initiatives in the topic area. High priority items are issues that are important to achieving the goals and objectives of the Town, and should generally be considered for action in the near term.

The relative cost column considers potential costs in terms of time and resources required for implementation of a particular item, wherein a high cost would represent a more significant expenditure of time or resources relative to the topic area. A medium rating would require moderate time and resources expenditures for implementation, with a low rating being less time and fewer resources relative to the topic area. Not all of these high priority items will be accomplished within the near term, but they are issues of high importance where, at the very least, preliminary progress should be initiated. Some actions are ongoing.

While the priority listing provides a general guideline to scheduling, it is important to take a flexible approach. It is likely that some items with lower priority will actually be accomplished prior to higher priority items. Partly, this will be a function of effort, as some high priority issues are long-term actions that cannot be accomplished quickly, while some lower priority actions are items that can be accomplished easily. Some actions may get accomplished because a particular group may want to adopt them as a project. In some instances, state or federal priorities may affect the scheduling of actions. If funding becomes available for a particular project, the Town may choose to move forward on a lower priority item in order to take advantage of this assistance. Accomplishing projects whenever possible is encouraged, regardless of the priority ranking. The cumulative effect of many smaller projects can be significant and help build momentum and support for other improvements.

Perhaps the most important implementation item is the need to constantly monitor circumstances in the Town and re-prioritize actions as conditions change, such as real estate development pressures. The Planning Board should continue to monitor accomplishments and conditions, and

make adjustments to prioritization or specific recommendations as implementation items move forward and/or as conditions change. The Planning Board should continue to address implementation tasks, and be responsible to provide annual updates on progress to the Town Board. The Town Board should take ownership of implementation actions to ensure that progress is made.

Since adoption of the latest Comprehensive Plan in 2006 (last amended 2012), some recommendations have been implemented including the key projects noted below:

- Comprehensive Plan Map changes (between 2016 and 2011)
- Adoption of Article 3 Section 3.9-D – Retail Size Cap
- Adoption of Zoning Article 12 Section 12 – Utility-scale Wind Energy Conservation Systems
- Adoption of Zoning Article 13 - Design Standards

## **9.1 Administrative Actions**

### **A. Comprehensive Plan Adoption**

The Town Board, after holding the appropriate public hearing and completion of the State Environmental Quality Review (SEQR) process, should adopt the Comprehensive Plan Update.

### **B. Distribution of Copies of the Plan**

The Town should provide copies of the updated Comprehensive Plan document to appropriate Town boards, departments and committees that may play a role in its use and implementation. This will help to ensure that this plan continues to be utilized and considered in Town planning and decision making.

To aid in inter-municipal coordination, the Village of Ellicottville and Cattaraugus County Cattaraugus County Department of Economic Development, Planning & Tourism should be provided copies of the updated Comprehensive Plan.

The updated Comprehensive Plan should be made available to the public by publishing an electronic version on the Town website.

### **C. Annual Review**

The Town Board should charge the Planning Board with the responsibility of conducting an annual review of the Comprehensive Plan's recommendations and implementation activities. This annual review will help ensure that the plan is being implemented by:

- evaluating the results of recent actions;
- prioritizing future implementation actions as necessary; and
- recommending modifications to the plan as required.

The Planning Board, with input from Town Department Heads, staff and committees, is best situated to determine how the recommendations of the Comprehensive Plan are being achieved

and how to prioritize actions for each coming year. The Planning Board should be responsible to report their findings and determinations to the Town Board annually.

## **9.2 Implementation Summary Table**

Table 9-1: Implementation Actions provides a listing of actions that the Town may undertake to satisfy the goals and objectives and to achieve the recommendations, as set forth in this plan. The items shown in Table 9-1 were developed around the policy statements and recommendations in Chapter 8 – Future Land Use Plan and Recommendations and are categorized by subject matter (land use and zoning, environment, infrastructure and facilities, highways and traffic, and public policies).

**Table 9-1  
Implementation Actions**

Item/ Topic Area	Action	Impact	Relative Cost/ Possible Funding	Type of Action	Responsible Parties	Priority
<b>Land Use and Zoning</b>						
LZ-1	Draft zoning amendment that protects sight of designated significant ridgelines					
LZ-2	Coordinate between Town and Village for future projects involving streetscaping, lighting, sidewalks, and design scale and styles.					
LZ-3	Update zoning and subdivision regulations to consider the best practices for subdividing vacant wooded and undeveloped agricultural properties located away from the Village, and/or further subdividing very large single-family lots.					
LZ-4	Update Comprehensive Plan Map. Reduce Conservation Zoning District boundaries (100-foot buffer) along rural roads.	Medium	Low	Planning, Zoning	Town Planner, Planning Board, and Town Board	High
LZ-5	Draft zoning amendments that balance development in the Conservation and AR Districts to allow more development in 100-foot buffer.	Medium	Low	Planning, zoning	Town Planner, Planning Board, and Town Board	Low
LZ-6	Clarify the definitions of density vs. yield in the zoning.	Medium	Low	Planning	Town Planner, Planning Board, and Town Board	Medium
LZ-7	Update the text of the proposed Route 242 Corridor Overlay District to correspond with the latest NYSDOT plans as well as with the Town's objectives for this corridor					Low (pending NYSDOT action on Rt 219)
LZ-8	Draft zoning amendment(s) to facilitate and control stand-alone or shared parking facilities to serve as park and ride or shuttle lots to serve as overflow parking.					
LZ-9	Review and update the existing sign regulations in order to keep up with trends and new technologies.					

Item/ Topic Area	Action	Impact	Relative Cost/ Possible Funding	Type of Action	Responsible Parties	Priority
LZ-10	Update housing tables in Comprehensive Plan after 2020 US Census is complete and available.	High (for grant applications)	Low	Planning and Grants	Town Planner and Planning Board	High
	Develop a Land Use Plan and Zoning that guide higher-density development in enclaves where municipal services are currently available.					
	Prohibit strip commercial development through the Town, especially along the entire 242 corridor					
<b>Environment</b>						
E-1	Update maps of NYSDEC wetlands and their 100-foot adjacent areas, and NWI wetlands.					
E-2	Work with the Southern Tier West’s Clean Energy Coordinator to develop a local clean energy campaign and possible uses for the Clean Energy Communities grant(s)					
E-3	Draft and adopt solar energy regulations for residential uses (small-scale) and for utility-scale applications. Incorporate Unified Solar Permit into Zoning.					
E-4	Continue to track NYS activities regarding hydrofracking permitting, and update Plan and Zoning as appropriate.					
	Provide in the Future Land Use Plan and the Zoning adequate protections that balance development in areas that have been identified as environmentally sensitive areas in order to ensure that any development within these areas will not adversely affect these environmentally sensitive areas.					
	Develop standards for grading to ensure that areas of cut and fill do not cause erosion or become a visual nuisance, incompatible with and detrimental to surroundings					
	Encourage the designation of Great Valley					

Item/ Topic Area	Action	Impact	Relative Cost/ Possible Funding	Type of Action	Responsible Parties	Priority
	Creek by the State as an inland waterway eligible for planning under a Local Waterfront Revitalization program					
<b>Economics and Demographics</b>						
D-1	Update demographics tables after 2020 US Census is complete and available.	High (for grant applications)	Low	Planning and Grants	Planning Board and Town Planner	High
D-2	Support Town/Village Downtown Revitalization Initiative with grant applications for economic development projects.	High	Low	Planning and Grants	Town Board, Grants-person and Town Planner	
	Prioritize and implement the economic development projects identified in the 2018 Downtown Revitalization Initiative					
<b>Infrastructure and Facilities</b>						
I-1	Investigate forming a single water district that includes the entire Village					
	Investigate options for increased capacity of water and sewage systems to accommodate future growth	High	High			
	Investigate potential additional functions of the Town Center that cannot be housed in the Town Hall					
<b>Highways and Traffic</b>						
T-1	Coordinate with NYSDOT and Village to implement a “Complete Streets” plan to extend sidewalks and bicycle lanes, especially in the HD District, GC District, and MD District leading out of the Village into the Town.	High	Medium (depending on funding)	Construction	Town Board, Town Engineer, NYSDOT	High
	Support future stand-alone parking projects, taking into account local needs, seasonal needs, and zoning requirements	Med	Low			
	Review and update the Route 242 Corridor	Med	Low	Planning	Town Planner	Low

Item/ Topic Area	Action	Impact	Relative Cost/ Possible Funding	Type of Action	Responsible Parties	Priority
	Study in order to keep the Town’s land use policy up-to-date.					
	Utilizing the EVGV and DRI, work with Village to prepare a coordinated Bicycle, Sidewalk and Recreation Trail Plan.	Med	Low	Planning	Town Engineer, Town Planner	Low
<b>Public Policies and Cooperation</b>						
P-1	Develop a plan to increase interest in volunteerism, particularly with the Fire Department and Ambulance Company.					
	Prioritize and implement funding and buildout of public projects identified in the DRI that increase quality of life in the community					

Notes on ‘Impact’:

- High: significantly transforms the Topic Area
- Medium: significantly enhances an existing initiative in the Topic Area
- Low: continued administration (review, maintain, adapt) of existing initiatives in the Topic Area

Notes on ‘Cost’:

- High: significant time and resources to implement, relative to Topic Area
- Medium: moderate time and resources to implement, relative to Topic Area
- Low: less time and fewer resources to implement, relative to Topic Area

**Chapter 10**  
**Periodic Review**

# Chapter 10

## Periodic Review

### 10.1 Benefit of Annual Review

A Comprehensive Plan is only useful if it reflects current conditions. In an environment where the possibility for change is constant and unpredictable, it is important to continue to monitor conditions and assess whether the recommendations in the plan remain valid, or whether a shift in emphasis is needed in order to remain consistent with the intent and substance of the plan. To this end, it is recommended that the Town of Ellicottville Town Board charge the Town Planning Board with conducting an annual review of the Comprehensive Plan to ensure that the plan remains an up-to-date and useful document. The Planning Board should also be responsible for determining the accomplishments of the Town in implementing and enforcing the goals and objectives of the plan.

The Planning Board should, as needed, be assisted by representatives from the Town staff (including but not necessarily limited to the Code Enforcement Officer, Town Planner, Town Engineer, and Town Assessor), each as necessary where they are familiar with, and responsible for the various recommendations and implementation action items. This will help to ensure that implementation actions are undertaken efficiently and are undertaken in consideration of other Town initiatives.

### 10.2 Responsibilities

During review of all Site Plan and Subdivision applications, the Planning Board should consider each proposal for its consistency with the Comprehensive Plan. The overall impact of these Planning Board applications should be assessed on general land use trends in the Town.

Any major rezoning applications approved during the previous year should also be reviewed in conjunction with the Comprehensive Plan to determine if these actions were consistent with the recommendations of the plan and the overall impact of the rezoning decisions on the general land use trends in the Town. The land use and zoning actions specified in the Comprehensive Plan will be reviewed to determine which items were accomplished and which ones should be undertaken in the coming years. The Planning Board should also determine if there are any new zoning actions that should be added to this list.

A review of applications to the Zoning Board of Appeals can also indicate which provisions of the zoning should be reviewed and possibly updated to better reflect the changing land use patterns. The nature of area variance requests may also indicate if practical difficulties are created by the dimensional requirements in the zoning.

The list of other priority items, as contained in Chapter 9 - Implementation, should be reviewed to determine which items were accomplished during the previous year. It should also be determined if there is a need to update or amend this list.

### **10.3 Annual Monitoring and Reporting Progress**

Comments from the Town Board, departments and committees, as well as public input gathered during the previous year should be evaluated in conjunction with the information ascertained from the reviews outlined above. Based on this evaluation, recommendations for Comprehensive Plan implementation activities (if necessary) will be developed for the coming year.

At the beginning of each year, the Planning Board should prepare a statement outlining the accomplishments of the past year, including a list of accomplishments in terms of zoning code amendments and other implementation achievements, as specified in the Comprehensive Plan. This information, along with the action plan for the continuing implementation of the Comprehensive Plan, should be presented to the Town Board for their review and approval.

In addition to the identification of accomplishments and needs, the annual update report should include a list of specific actions the Planning Board recommends be undertaken in the coming year. The specific actions to be accomplished may differ from the list of actions in the implementation plan, as long as the intent is consistent.

Timing of the annual review should consider the Town Board's budget cycle so implementation items to be undertaken the following year can be funded, if funding is necessary. By June, the Planning Board should review their progress on that year's action plan and make specific recommendations for budget allocations (if necessary) to fund the next year's implementation items. For example, the Planning Board would make recommendations to the Town Board in June 2018 for 2019.

By following this procedure, the Town will be able to continually monitor the effectiveness of the Comprehensive Plan in achieving the vision it articulates. The adjustments, amendments and changes recommended by the Planning Board, and subsequently approved by the Town Board, will be incorporated into the Comprehensive Plan by acceptance of the Town Board, and documented in the Annual Comprehensive Plan Update report.

### **10.4 Five-year Review and Update**

Approximately every five years, or as circumstances indicate the need, the Comprehensive Plan should be more thoroughly reviewed and updated, as necessary, to reflect current conditions, priorities, needs and goals. The Annual Comprehensive Plan Update reports should be used to assist in this effort. The Town should incorporate all changes into an updated Comprehensive Plan, and undergo formal adoption procedures (including public hearings and SEQR review) to accept the updated plan. Unless there are major changes to circumstances or conditions in the Town, it is anticipated that these up-date and re-adoption procedures will be simple. They are important, however, in order to ensure that the Comprehensive Plan remains a relevant and useful document to guide growth and development in the Town, and help the citizens of the Town of Ellicottville build a community that meets their goals for its future.

**Appendix A**  
**USDA Soil Characteristics**

## Appendix A

### USDA Soil Characteristics

<u>Soil Series Name</u>	<u>Description</u>
Almond	Almond soils are on broad hilltops and hillsides, and receive little runoff from adjacent areas. Surface shapes are plain to slightly convex, with slope gradients ranging from 0 to 40 percent. The soils developed in till derived from shale, siltstone, and some sandstone. Elevation ranges from 1,394 to 3,600 feet. Somewhat poorly drained. The potential for surface runoff is low to very high. Saturated hydraulic conductivity is moderately high or high in the subsoil and low to moderately low in the substratum. Most areas of this soil have been cleared, and used for growing corn, small grains, hay, pasture, and potatoes. Because of the relatively short growing season many areas are reverting to woodland or brush. Native vegetation is sugar maple, oak, white ash, yellow birch, Eastern hemlock, and Eastern white pine.
Chadakoin	Chadakoin soils are gently sloping to very steep and are on upland till plains, hilltops and valley sides. Slope ranges from 3 to 60 percent. The soils formed in till derived mainly from siltstone, fine-grained sandstone and smaller amounts of shale. Elevation ranges from 800 to 1800 feet. Well drained. The potential for surface runoff is medium to high. Saturated hydraulic conductivity is moderately high to high in the mineral soil. Most gently sloping and sloping areas are cleared and used for growing corn, small grains, hay, and pasture. Native vegetation is sugar maple, beech, northern red oak, white ash, black cherry, and white pine.
Chenango	Chenango soils are nearly level to very steep soils on outwash plains, alluvial fans, valley terraces and associated kames, eskers, and fluvial parts or moraines. Slope ranges from 0 through 60 percent. The soils formed in water-sorted gravelly and loamy drift. In some places the soils formed in alluvial deposits. The parent material is derived from gray sandstone, shale, and siltstone and lesser amounts of material from limestone and igneous rocks. Elevation ranges from 300 through 1,500 feet. Well and somewhat excessively drained. The potential for surface runoff ranges from negligible to high. Saturated hydraulic conductivity is moderate high to high in the mineral solum and high to very high in the substratum. Most lesser sloping areas have been cleared. They are used mainly for growing hay, corn, and small grains, but vegetables and grapes are important locally. More sloping areas are used mainly for growing pasture and hay. Woodlots contain sugar maple, red maple, American beech, ash, eastern hemlock, and eastern white pine in northernmost areas; oak and hickory are more conspicuous in the southern part of the series range.
Ischua	Ischua soils are gently sloping to very steep soils on hilltops, ridges, and valley sides. Slope ranges from 3 to 50 percent. These soils formed in till derived from siltstone, shale, and sandstone. Bedrock is at a depth of 20 to 40 inches. These soils are at elevations ranging from 1,000 to 2,400 feet. Moderately well drained. The potential for surface runoff is medium to very high. Saturated hydraulic conductivity is moderately high to high in the mineral surface layer and upper part of the subsoil, and moderately high or moderately low in the lower part of the subsoil and substratum. Most gently sloping and sloping areas have been cleared and used for cropland and pasture. Native vegetation is mixed hardwoods of sugar maple, beech, northern red oak, white ash, black cherry, and eastern white pine. Many areas that were previously cleared for crop production are now reverting to brush and trees.

Mardin	Mardin soils are nearly level to very steep with slopes ranging from 0 through 50 percent. These soils developed in till, and are on slightly convex parts of dissected glaciated uplands. These soils generally occur at elevations between 328 and 2,198 feet, but have been mapped as high as 2,460 feet in some areas. Moderately well drained. A seasonal water table typically occurs at depths of 14 to 24 in below the soil surface. The potential for surface runoff is medium to high. Saturated hydraulic conductivity is moderately high or high in the mineral surface layer, subsurface layer, and upper part of the subsoil; and low or moderately low in the lower part of the subsoil (fragipan) and the substratum. Most areas have been cleared and are used for producing silage corn, small grains, hay, and pasture. A significant acreage is idle or has reverting to brush and trees. Woodlots contain sugar maple, beech, white ash, black cherry, hemlock, and occasionally red oak and white pine.
Mongaup	Mongaup soils are nearly level to very steep soils with slope ranging from 0 to 70 percent. These soils formed in acid till on bedrock controlled uplands. Elevation ranges from 1,000 to 2,400 feet. Well drained. The potential for surface runoff is medium to very high. Saturated hydraulic conductivity is moderately high to high throughout the mineral soil. Small cleared areas are used for hay or pasture. Most areas are forested. Native trees include sugar maple, red maple, beach, black cherry, ash, birch, and hemlock.
Napoli	Napoli soils are nearly level to moderately steep soils on upland hilltops, lower valley sides and toeslopes. Slope ranges from 0 to 25 percent. The soils formed in Illinoian or early Wisconsin age till derived from siltstone, shale, granite, and fine-grained sandstone. These soils are near the glaciated-unglaciated border. These soils are at elevations from 1,750 to 2,400 feet. Somewhat poorly drained. The potential for surface runoff is low to high. Permeability is moderate or moderately slow in the surface layer and upper part of the subsoil, and moderately slow to slow in the fragipan and substratum. Most areas of Napoli soils were cleared at one time and used for growing hay and pasture with some corn and small grains. Because of the relatively short growing season many areas are reverting to woodland. Native vegetation is mixed hardwoods of sugar maple, white ash, black cherry, beech, hemlock and eastern white pine.
Pawling	Pawling soils are on level or nearly level flood plains with slopes ranging from 0 to 3 percent. They formed in loamy alluvium washed from upland soils formed mainly from till derived from shale, siltstone and slate rocks. Elevation ranges from 50 to 1,500 feet. Moderately well drained. The potential for surface runoff is low to medium. Permeability is moderate in the solum and moderately rapid to rapid in the underlying substratum. Areas of Pawling soils are cleared and cultivated or are in woodland.
Salamanca	Salamanca soils are gently sloping to steep soils on upland hilltops, ridges and valley sides. Slope ranges from 3 to 35 percent. The soils formed in till derived from soft shale, and some siltstone and sandstone. These soils are at elevations that range from 1394 to 3609 ft. Moderately well drained. Saturated hydraulic conductivity is moderately high or high in the surface layer and upper part of the subsoil, and low to moderately high in the lower part of the subsoil and substratum. Most gently sloping and sloping areas have been cleared and used for hay and pasture with some corn and small grains. Native vegetation is mixed hardwoods of sugar maple, beech, northern red oak, black cherry, and eastern white pine.

Schuyler	Schuyler soils are sloping to steep soils on landforms mantled with till derived largely from shale with some siltstone and fine-grained sandstone. Slope ranges from 3 to 50 percent. These soils generally occur at elevations between 328 to 2,198 ft. Moderately well drained. Saturated hydraulic conductivity includes moderately high or high in the mineral surface and subsoil and moderately low or moderately high in the substratum. Cleared areas are used for growing small grains, hay, and pasture. A significant acreage has reverted to woodland. Native vegetation is sugar and red maple, red and white oak, hickory, white ash, black cherry, white pine and hemlock.
Towerville	Towerville soils formed in Wisconsinan age till derived from shale, siltstone and small amounts of sandstone and are on summits, shoulders, and sideslopes on bedrock-controlled dissected plateaus. In some pedons the lower part of the subsoil and substratum formed in residuum. Slope ranges from 0 to 50 percent. The elevation ranges from 720 to 1,800 feet. Moderately well drained. The potential for surface runoff is negligible to very high. Saturated hydraulic conductivity is moderately high or high in the upper part of the subsoil and moderately low or moderately high in the lower part of the subsoil and substratum. Cleared areas are used for growing corn, small grains, hay and pasture. A significant acreage has reverted to woodland. Native vegetation is sugar maple, beech, northern red oak, white ash, black cherry, and white pine.
Valois	Valois soils are typically on complex slopes characteristic of end or lateral moraines. Some landforms are congeliturbate covered or till covered valley terraces. Slope ranges from 0 to 60 percent. They formed in till dominated by material from sandstone and siltstone or shale with some slate or phyllite and typically have a small component of material from calcareous rocks. The till commonly is calcareous at depths greater than 12 feet. Fluvial sorting in the substratum commonly results in weak stratification. Elevation ranges from 600 to 1,800 feet. Well drained. The potential for surface runoff is negligible to very high. Permeability is moderate to rapid. The rooting zone is rarely saturated during the growing season. Most nearly level to rolling areas are cleared and used for growing hay, pasture, corn, or small grains. Woodlots include sugar maple, American beech, red oak, and similar hardwoods.
Volusia	Volusia soils occupy long uniform slopes. Slope ranges from 0 to 35 percent. They are on lower valley sides and on broad divides of maturely dissected glaciated plateaus. The Volusia soils developed in firm basal till derived from siltstone, sandstone, and brittle shale or slate. They are underlain by lacustrine materials in some areas. These soils generally occur at elevations between 328 and 2,198 feet, but have been mapped as high as 2,460 feet in some areas. Somewhat poorly drained. Internal drainage is slow or very slow. The potential for surface runoff is low to very high. Saturated hydraulic conductivity in the mineral soil above the fragipan is moderately high or high and in the fragipan and substratum it is low to moderately high. Most areas of this soil have been cleared but some are now growing up with a cover of brush and forbes. Cleared areas are used for pasture or for growing hay, oats and corn for silage. Woodlots contain sugar maple, red maple, American beech, hemlock and associated species.

Willdin	Willdin soils are on uplands of glaciated dissected plateaus and till plains and are mainly on slightly convex hilltops and hillsides. Slope is commonly from 0 to 25 percent but the range includes up to 35 percent. The soils developed in firm till derived from sandstone, siltstone, and shale. Elevation ranges from 1,394 to 3,608 ft. Moderately well drained. The potential for surface runoff is high or very high. Saturated hydraulic conductivity is moderately high or high in the mineral part of the soil above the fragipan and low or moderately low in the fragipan and the substratum. Cleared areas are used for growing corn for silage, small grains, hay, and pasture. A significant acreage has reverted to woodland or brush. Native vegetation is sugar maple, American beech, northern red oak, black cherry, and white ash. Brush areas often contain blueberry, spirea, Hawthorne (thorn apple), and poplar.
Wyalusing	These soils developed in alluvial deposits on flood plains along streams that have slopes of 0 to 5 percent. They are subject to underground seepage from surrounding higher lands and baseflow from nearby streams and uplands. Poorly drained. The potential for surface runoff is low to very high. Saturated hydraulic conductivity is moderately high to very high. Flooding is frequent. Used primarily for pasture or are idle. Pastures are mainly in bluegrass, white clover, or redtop. Wooded areas have maple, beech and elm trees.
Yorkshire	Yorkshire soils are gently sloping to steep soils on upland hilltops, ridges and valley sides. Slope ranges from 3 to 35 percent. The soils formed in Illinoian or early Wisconsin age till derived from siltstone, shale and fine-grained sandstone. These soils are at elevations of 1,800 to 2,400 feet. Moderately well drained. The potential for surface runoff is medium to high. Permeability is moderate in the surface layer and upper part of the subsoil, and moderately slow or slow in the fragipan and substratum. Most gently sloping and sloping areas have been cleared and used for hay and pasture with some corn and small grains. Abandoned idle land is in second growth hardwoods. Native vegetation is mixed hardwoods of red and white oaks, sugar maple, black cherry, beech, and eastern white pine.

Source: "Official Soil Series Descriptions". United States Department of Agriculture Natural Resources Conservation Service. 2018. <https://soilseries.sc.egov.usda.gov/osdname.aspx>

**Appendix B**  
**Visual Analysis and Intrusions**

## **Appendix B**

### **Visual Analysis and Intrusions**

#### **Visual Analysis**

The 1990 Town of Ellicottville Master Plan Report identified various ridges on the Master Plan that it designated as locally significant ridgelines that should be protected from highly visible development or the clearing of vegetation. As part of this work to update the 1990 Plan, an analysis of these ridgelines was conducted and the nature of visual resources in the community was examined.

The Comprehensive Plan Committee identified a number of view corridors as significant. Three types of significant view corridors were identified. These were:

1. View corridors from the tops of the Holiday Valley and HoliMont ski slopes
2. View corridors from the center of the Village of Ellicottville to ridgelines in the Town
3. View corridors associated with roadways that are considered to be significant based on volume of general usage. Those roadways are:
  - US Route 219
  - Proposed new Route 219
  - Route 242
  - County Road 71
  - County Road 32 (West Valley Road)
  - Beaver Meadows Road
  - Sommerville Valley Road

#### **Methodology**

In early spring (April) of 2004 a visual analysis of the Town was conducted. All of the view corridors initially identified by the Comprehensive Plan Committee as potentially significant were surveyed. Photographs were taken from several points in each view corridor. Views from Holiday Valley and HoliMont ski slopes were also photographed in the summer of 2004. In addition to the corridors identified by the Comprehensive Plan Committee, other corridors in the Town were evaluated because ridgelines designated as significant in the 1990 Master Plan were visible only from these corridors.

The view corridors were evaluated to determine the prominence of the currently designated ridgelines. Ridgelines are designated alphabetically. Each view point in the view corridors (or viewsheds) is designated numerically. The surveyed view corridors are described and evaluated in subsequent sections of this Appendix.

## Recommendations

Following the completion of the survey of the view corridors, the Comprehensive Plan Committee reviewed the data to determine if the designations of significant ridgelines in the 1990 Comprehensive Plan should be revised. The Committee determined that all of the ridgelines that were designated as significant in the 1990 Master Plan were significant resources and that these designations should be retained. In addition, the Committee determined that several additional ridgelines should be designated as significant.

Three new ridgelines were designated as significant, protected ridgelines. They are located along NYS Route 242 East, which is expected to become a major entrance into the Town and Village of Ellicottville when the expressway alternative for Route 219 is completed. One of these ridgelines will also be very prominent from the new alignment of Route 219.

In addition, the Committee determined that two currently designated ridgelines along the west side of the existing alignment of Route 219 North were really one long ridgeline that should be connected by designating as protected the short segment of ridgeline that was not previously so designated.

## Survey of View Corridors

### Route 219 South Corridor

This corridor consists of the area around Route 219 South, from the Town of Great Valley line to the Village of Ellicottville line. This area is fairly well developed. It contains the Holiday Valley ski area and golf course, restaurants, and dense residential development.

#### View Point 1 Town line

- Looking east" ridge M (two humps)saddleback, also, Ridge K (with cell tower)
- Looking North (toward village): Ridge P in distance, but not very visible
- Looking West: overlooks holiday valley golf course; trees in foreground obscure view: ridge in distance, but this has not been designated on current plan.

#### View Point 2 Driving Range/Whole Hog Restaurant

- Looking east: Ridge M and Ridge K are both visible (no photograph)
- Looking north, Ridge N visible
- Looking east can see snow pine village through trees

#### View Point 3 Valerian Way

- Looking east: Ridge K visible beyond Wildflower; Ridge M visible beyond Burger King. These form a continuous line.
- Looking north toward village: Ridge P is still visible, but less prominent because the houses at Wildflower are in the foreground.
- Ridge N is prominent to west beyond Holiday Valley Road
- Due west is Holiday Valley ski slopes: Mardi Gras lift
- To south, Ridge M is visible beyond Burger King parking lot

#### View Point 4 Trillium Way (Wildflower)

- Looking east down Trillium Way: Ridge M visible beyond houses
- Looking west across Route 219: skiers inn motel and medical center visible; Ridge N in background
- Looking north toward Village: ridges not visible because trees and structures in foreground block it out; Ridge P not very prominent.

#### **Route 242 West Corridor**

This corridor consists of the section of Route 242 from the Village of Ellicottville line to the Town of Mansfield line. This view corridor contains significant development, including HoliMont and associated residential development. Views along Route 242 West are constricted by structures and vegetation.

#### View Point 6: Stone Ridge (from 242 at entrance road)

- Looking north: can only see stone ridge buildings; small portion of Ridge O is visible
- Looking south: Ridge N and the HoliMont ski slopes are visible
- Looking west: farthest view is in Mansfield; lower slopes of HoliMont visible

#### View Point 7 Springs Road

- HoliMont ski slopes are very prominent to the south (Ridge N)

#### **Route 242 East Corridor**

This is a long corridor, which provides the main entrance into Ellicottville from the east. It is marked by a variety of visual experiences. Leaving the Village, heading east, Route 242 East is also Route 219 North, until they split at Holy Name Cemetery.

From the Village line to the cemetery, this corridor is relatively developed; it is characterized by a mix of commercial and residential land uses. Ridge K is visible, and very prominent to the south; Ridge T is visible to the north.

#### View Point 8: Ilex Inn

- Looking South: Ridge K very prominent
- Looking North: Ridge T prominent
- Looking east: Trees along road mask view of ridges
- Looking west (toward village) can see HoliMont, but not village

#### View Point 9 Holy Name Cemetery

- Looking South: beyond cemetery, Ridge K very prominent
- Looking North, the Town's highway barn, ridge U visible to west; undesignated ridge to east beyond commercial buildings at northeast corner
- Looking west to Village HoliMont is visible
- Looking East: undesignated ridge to north and Ridge K to south

Between Holy Name Cemetery and Horn Hill Road this corridor is characterized by wide vistas to both north and south. Ridge K is continuously visible to south. To the north are hills, but nothing designated.

#### View Point 10: Horn Hill Road

- To the south Ridge K is still prominent
- Looking north up Horn Hill Road, the topography is relatively flat to east; there are nonprominent and nondesignated hills to west of Horn Hill Road.
- Looking West: HoliMont still visible, otherwise vistas are flat and open

#### View Point 14: Irish Hill Road and Route 242 East

- Looking south, a ridge is still prominent; this is an extension of ridge K, although it is not designated in this area.

From Irish Hill Road to Bryant Hill Road, this corridor is characterized by open vistas to tops of ridges on both sides of Route 242. No ridges are designated in this area, but ridge to the south is an extension of Ridge K.

#### View Point 32: Bryant Hill Road at Route 242 East

- Across Bryant Hill Road, an undesignated ridge is prominent
- Looking toward village, HoliMont is visible
- Looking east down Route 242, undesignated ridge that is extension of Ridge G is prominent.

From Bryant Hill Road to Sportsmans Club, vistas are open to the north, but to the south are closed in by trees along the railroad tracks. Nothing is designated in this area.

From Sportsmans Club to Ashford Junction, vistas are open and wide on both sides. No ridges are designated in this area.

#### View Point 15: Ashford Junction

- To south can see a prominent undesignated ridge, which is an extension of Ridge G.
- To north can see both Ridge E to west and Ridge C to east, split by County Road 32

Continuing east on Route 242, between Ashford Junction and Fancy Tract Road, Ridge G to the south and Ridge D to the north are prominent.

#### Point 16: Fancy Tract Road

- Looking south, Ridge G is prominent
- To north Ridge D is visible
- To east can see both G and D
- To west can see both G and D, Ridge D tapers out to flat area

## **Route 219 North Corridor**

Entering the Town from the north, this corridor is characterized by scattered low density residential development, and some farmland. The views are nice, but not spectacular. No designated ridgelines are visible until the road curves just before the Irish Hill intersection. At this point Ridge X becomes very prominent and remains so until after it has been passed. There is a cell tower on the top of Ridge X which is also very prominent. Ridge X is also prominent when traveling north.

Ridge Y is not prominent from either the north or the south, although it is visible in the vicinity of Lindberg Road. Ridge X dominates the viewshed.

Continuing south on Route 219, past Lindberg Road Ridge U becomes very prominent. This ridge is also prominent when traveling to the north, after the left hand turn at Holy Name Cemetery. Ridge U and Ridge T actually form a continuous ridgeline when viewed from the Route 219 Corridor.

Ridges V and W are also visible from this corridor, although the steepness of the bank restricts views to the tops of the ridges.

### View Point 22: Route 219 North at Lindberg Road

- To east, Ridge X is very prominent
- To south, Ridge U is visible in both near and distant vistas.
- To north, Ridge Y is visible

### View Point 23: Route 219 North near intersection with Route 242

- To south, Ridge K is prominent
- To north, Ridge U is visible to the west, Ridge V is visible to the east

## **County Road 32 (West Valley Road) Corridor**

This corridor runs from Route 242 East north to the Town of Ashford line. The road parallels Beavers Meadows Creek and offers superb views of the creek and undeveloped countryside. North of Fancy Tract Road this corridor includes views of farmland and low density residential development.

Traveling north on County Road 32, at Ashford Junction, Ridge E is visible to the west and Ridges D and C are visible to east. For most of the corridor between Ashford Junction and Fancy Tract road, the viewshed is narrow due to the steepness of the slope on both sides of the road. Past Fancy Tract Road, the view opens, with wide meadows and farmland in foreground, and hills in the distance. There are no designated ridgelines visible in this view corridor north of Ridge C (which terminates at Fancy Tract Road).

View Point 17: County Road 32 south of Fancy Tract Road

- To west is steep bank and limited views
- To east is Beavers Meadows Creek in foreground with Ridge C prominent behind
- To north is an undesignated ridge

View Point 18: County Road 32 between Fancy Tract Road and Kruse Road

- This area is generally flat and open
- To east is a wide meadow with an undesignated hill rising in the distance
- To northwest is an undesignated extension of ridge B in the distance

View Point 19: County Road 32 at Canada Hill Road

- This area is characterized by wide, unrestricted viewsheds
- To east is a long vista, with an undesignated hill rising in distance
- To south are open views
- There are no designated ridgelines in this area.

**Beaver Meadows Road (County Road 75) Corridor**

This roadway connects Route 219 to County Road 32. The character of this corridor changes greatly. The intersection with Hebdon Road near Route 219 North is relatively developed, with a cemetery and several houses. Shortly after leaving this area, the character becomes undeveloped. East of Kuhn Road, the character of the corridor changes once again, this time to predominantly farmland.

View Point 20: Beaver Meadows Road and County Road 32

- To east are wide and flat views with distant hills (undesignated)
- To southwest Ridge B is visible across a flat meadow

View Point 21: Beaver Meadows Road west of Kuhn Road

- To north, Ridge A is visible through trees; an undesignated ridge in this area is equally prominent
- To south is a relatively steep wooded hillside

**Sugartown Road (County Road 71) Corridor**

This corridor runs from the Village line to the Town of Great Valley line. Wide vistas are characteristic of this corridor. Ridge K, Ridge M, Ridge N and the Holiday Valley and HoliMont ski slopes are visible.

View Point 24: Sugartown Road at Village line

- Characterized by wide views on both sides of the road
- To east and north can see Ridge K
- To south can see Holiday Valley and HoliMont ski slopes; prominent top of Ridge N is HoliMont slopes

#### View Point 25: Sugartown Road

- Wide views in all directions.
- Ridge K visible to north and east
- Ridge N visible to southwest
- Holiday Valley visible to south with plain of Great Valley Creek in foreground
- Ridge M visible toward northeast

#### **Somerville Valley Road Corridor**

This road runs from the town of Great Valley line to the intersection of Dooley Road and Simmons Road. For purposes of this analysis, this corridor was assumed to extend up Dooley Road and Crane Road to Bryant Hill Road. This corridor is characterized by farmland and rural residential development.

#### View Point 26: Sommerville Valley Road at Great Valley line

- Ridge L is visible to the north
- Ridge I is visible to the south

#### View Point 27:

- View closes up between point 26 and this location. Trees are close to road, blocking views. Sommerville Valley Creek is close to the road at this point.
- Ridge L and Ridge I are visible at point 27

#### View Point 28

This area characterized by open views, with ridges visible on both sides of the road

- Beginning of Ridge H just comes into view as a traveler rounds the curve
- Ridge J visible to the west
- Ridge L visible in the distance
- Ridge I visible across open meadow

#### View Point 29

- Ridge J visible to southwest
- Ridge I visible to southeast
- Ridge H prominent to the northeast

#### View Point 30: Dooley Road at Hefferan Road

- Looking south down the Sommerville Valley from Hefferan Road, Ridge H is very prominent.

#### **Maples Road (County Road 13) Corridor**

This roadway extends from the Village of Ellicottville line northwest to Mansfield. It is characterized primarily by residential development, with some vacant land.

View Point 33: Maples Road at the Village line

- HoliMont ski slopes visible beyond village (Ridge N)
- Ridge K visible beyond village
- Ridge P visible to immediate southwest, abutting road; Ridge Q visible in distance

View Point 34: Maples Road at Northwood Drive

- HoliMont ski slopes still visible
- Ridge K visible in distance
- Ridges P and Q visible to southwest
- Ridge S visible to northwest
- Lower slopes of Ridge T visible beyond Northwood Drive

View Point 35: Maples Road at Poverty Hill Road

- Looking north, up Poverty Hill Road, Ridge S is visible to west and Ridge T visible to east. Ridge T and Ridge U are continuous in this area; there is no visual break.
- Ridge S visible
- Ridge K visible in distance
- Undesignated connection between Ridge P and Ridge Q visible to south

**Poverty Hill Road**

View Point 36: Near crest of hill

- Both Holiday Valley and HoliMont ski slopes are visible in distance
- Ridge U is not visible from Poverty Hill Road, due to thick vegetation and steep slopes near road.
- Ridge S is visible from lower portion of Poverty Hill road

**Lindberg Road**

Lindberg Road stretches from Poverty Hill road to Route 219 North. It is primarily undeveloped. Traveling east, Ridge X is prominent to the east.

View Point 37

- Ridge X is prominent to the east
- To south is an undesignated ridgeline
- To north Ridge Y is not very prominent; it has very gentle slopes and a not well defined top

View Point 38

- Ridge X is prominent to the east
- To the south is the undesignated ridgeline
- Ridge Y is more prominent to the north, but still not very prominent

## **Proposed Alignment of Route 219**

The new alignment of Route 219 is proposed to be located east of the current location. Travelers on this new road will have good views of some of the ridgelines currently designated as significant. This includes Ridge A, Ridge L, Ridge M and Ridge K. The proposed alignment will cross Ridge K.

The proposed alignment of Route 219 will also change viewsheds within the Town. The Route 242 East Corridor will be the most affected by this, since the proposed alignment calls for an elevated crossing of Route 242. In addition, an interchange will be constructed in the vicinity of Bryant Hill Road, which will change the rural character of this area.

## **Holiday Valley**

The views from the top of Cindy's Run and Yodler ski slopes at Holiday Valley were evaluated. The tops of these runs are located in the Town of Great Valley, although most of the slopes are in the Town of Ellicottville.

### Cindy's Run

- Wide views of Village of Ellicottville, Ridge K,
- Ridge N, Ridge O, Ridge P and Ridge Q and up Poverty Hill Road
- Can see Ridge S, Ridge T and Ridge U
- Can see to Route 242 as far as Bryant Hill Road.

### Yodler

- The top of this ski slope offers wide views, including Ridge N, Ridge O, Ridge P and Ridge Q.
- Ridge K is visible
- Viewer can see to Sommerville Valley and Ridge L

## **HoliMont**

### Sunset

- This ski slope is located close to the Town of Mansfield line.
- Ridge O, Ridge P and Ridge S are visible

### Greer Hill/Early Bird

- Can see out Route 242 to Horn Hill Road
- Ridge K is visible
- Village is visible

## **Village of Ellicottville**

### View Point 5: Center of Village

- Ridge K is prominent to east
- Ridge N and HoliMont ski slopes are very prominent
- Ridge P prominent behind town hall

## **Analysis of Significance of Ridgelines**

The data summarized in the previous section were used to evaluate the significance of the ridgelines visible from those view corridors and view points. The Comprehensive Plan Committee evaluated the ridgelines based upon their scenic character and prominence of visibility. The committee looked at the following issues:

- Are the ridgelines that were designated as significant in the 1990 Master Plan still worthy of that designation?
- Are there any ridgelines that were not designated in the 1990 Master Plan which should be designated as significant in this revised Comprehensive Plan?

For purposes of analysis, the view corridors that were used to evaluate the significance of the ridgelines were classified into a three-tiered evaluation system. Ridgelines were categorized as Prominent, Major, and Minor ridgelines, based on the prominence of the view corridors and view points from which they are viewed.

### **Prominent Ridgelines**

Prominent ridgelines are those visible from major transportation routes, view corridors, and view points, which are:

- Route 219
- Proposed Route 219
- Route 242
- HoliMont Ski slopes
- Holiday Valley ski slopes
- Village Center

The following ridgelines were classified as prominent:

Ridge X: This ridge is very prominent from Route 219 North, the major route into Ellicottville from the north, and from Lindberg Road.

Ridge K: Ridge K is very prominent from Route 219 South, the major route into Ellicottville from the south and from Route 242 East, the major route into Ellicottville from the east. Route 242 will become more heavily traveled with the proposed new alignment of Route 219 and the proposed interchange at Bryant Hill Road. Ridge K is visually prominent from Sugartown Road (County Road 71) and from Maples Road (County Road 13). It is also prominent from both Holiday Valley and HoliMont ski slopes and from the center of the Village of Ellicottville.

The designation of Ridge K should be extended from its current ending location to the end of the 2000 foot contour near Bryant Hill Road.

Ridge N: This is the ridgeline that contains most of the HoliMont ski slopes. It is very visible from Route 219 South, Route 242 East and West, Sugartown Road, Maples Road and from the Village. The south side of the ridge, which contains houses, is visible from Holiday Valley. This ridge is particularly visible, for long distances, when traveling toward the Village along

Route 242, which will become a major entrance to the village when the new alignment of Route 219 is constructed.

Ridge M: This ridgeline is prominent from Route 219 South and from Sugartown Road (County Road 71).

Ridge D: This is visible from Route 242, near the entrance to Ellicottville from the east.

Ridge G: This also is prominent from Route 242, across the road from ridge D. Ridge G should be extended toward Bryant Hill Road

Ridge P: This is prominent from the Village center, from HoliMont and Holiday Valley, from Maples Road. It is also visible in the distance from Route 219 South.

Ridge T: This is visible from Route 219 North, Route 242 East and Holiday Valley. It could be extended to the 1900 foot contour.

Ridge U: This designation runs for most of the length of Route 219 North from Lindberg Road to Ridge T. For most of this distance, the ridgetop is not visible because of the steep side slopes of the hill. The northermost part of the ridge ends in a wetland.

Ridges U and T form a continuous visual element along Route 219 North. These ridgelines should be connected to reflect this reality.

Ridge L: This ridge is visible from Sommerville Valley Road and the Holiday Valley ski slopes. It will be visible from the new alignment of Route 219.

Ridge O: This ridge is visible from HoliMont, and to some extent from Route 242 West, but not prominently because of the steepness of the slopes.

Ridge F: Currently this ridge is not visible from any of the identified roadways, but it will be visible from the new alignment of Route 219.

Ridges V and W: Similarly to Ridge U, the tops of these ridges, which parallel Route 219 North, are difficult see because of the steepness of the slopes. The side slopes are very prominent.

### **Major Ridgelines**

Major ridgelines are those visible from secondary transportation corridors, which are the following County roads:

- County Road 71 (Sugartown Road)
- County Road 32 (West Valley Road)
- County Road 75 (Beavers Meadows Road)
- County Road 13 (Maples Road)

The following ridgelines were classified as major:

Ridge C: This ridge is visible from County Road 32, between Ashford Junction and Fancy Tract Road.

Ridge E: This ridge is visible from County Road 32; an end is visible from Route 242.

Ridge A: This ridge is visible from Beaver Meadows Road, which is not heavily traveled, but it will also be visible from the proposed new alignment of Route 219.

Ridge B: This ridge is visible from Beaver Meadows Road and County Road 32, but it is not very prominent.

Ridge Q: This is only prominent from the end of Maples Road, near the Mansfield line. It is also visible, as a distant view, from Holiday Valley.

Ridge S: This ridge is visible from Maples Road and Poverty Hill Road (which was not identified as an important corridor). It is also visible as a distant ridge from Holiday Valley and HoliMont.

Ridge R: This is only visible from the end of Maples Road, near the Mansfield line

### **Minor Ridgelines**

Minor ridgelines are those visible from heavily traveled secondary roads that are not county roads. These are:

- Sommerville Valley Road
- Lindberg Road

The following are classified as minor ridgelines.

Ridge I: This ridge roughly parallels Somerville Valley Road, and is only visible from there.

Ridge H: This ridge is visible from Sommerville Valley Road and Dooley Road.

Ridge J: This ridge is visible from Sommerville Valley Road. The highest point of this ridge (2100 feet) may also be visible from the new alignment of Route 219.

Ridge Y, Y-1 and Y-2: Most of this ridgeline system is only visible from Lindberg Road, which has not been identified as a major corridor. A small part of Ridge Y is visible from Route 219, but is dwarfed in significance by Ridge X.

## **Visual Intrusions**

There are two types of development that have the potential to be visually intrusive on significant ridgelines. These are telecommunications facilities and wind generating systems. In order to operate properly, both of these facilities need to be sited on ridgelines, and usually the most visually prominent ridgelines are those that are favored by these facilities, because of technical operational needs.

### **Wireless Telecommunications Facilities**

The growth of the cellular telephone industry has led to the need for more telecommunications towers to provide service to an increased, and increasingly widespread, customer base. Wireless telecommunications includes a range of voice and data transmission services to and from mobile customers. The services are provided by a short-range two-way radio link to connect the mobile user to a nearby base station.

In order to provide services to customers, the private service provider designs a network of coverage, which consists of antennas located on towers or other structures (the base station) in each service sector or "cell." There are several situations in which a service provider needs to expand its base station facilities: (1) the need to fill in gaps in inadequate coverage from existing base stations, (2) existing base stations have inadequate capacity to handle the number of calls, or (3) a new service provider enters an area and needs to establish coverage.

To function properly the antenna arrays must be high enough to allow both the transmitted and received signals to retain sufficient strength for reliable reception. Antenna arrays can be located on any structure, but most commonly are located on freestanding towers. There are three types of tower structures that are generally used: a monopole; a self-supporting lattice tower; or a guyed tower, which usually is a taller lattice tower supported by guy wires. The type of tower can affect its visibility.

Telecommunications facilities have the potential to affect the area in which they are placed in several ways. The most obvious potential impact is the possible change in the visual character of an area. The type of tower and the tower height will be factors in the visibility of the tower. In addition, any structure, including telecommunications towers, over 200 feet in height will be regulated by the Federal Aviation Administration (FAA). The FAA will require some type of lighting and may also require a particular type of color scheme for the tower; i.e. alternating orange and white bands. In Cattaraugus County, Mercy Flight, which operates emergency medical evacuation helicopters, has requested that all telecommunications towers be lighted, regardless of height.

Depending upon the location and height of the telecommunications towers, birds may collide with the tower. Towers in known migration paths pose the most hazard. The type of tower is also a factor; guyed towers appear to be the most hazardous to birds.

On the national level, wireless telecommunications facilities are regulated under the Federal Telecommunications Act of 1996. One provision of this law reallocated part of the radio spectrum in order to provide wireless services. Licenses were granted to service providers, giving them the ability to provide service in particular geographic areas. The Act does not preempt municipalities from exerting local control over telecommunications facilities through zoning ordinances and similar regulations. Therefore, municipalities may regulate the location of telecommunications facilities, allowing them in one zoning district, but not in others. Municipalities may impose height restrictions and minimum setbacks from property lines, and they may require that these facilities be designated as a special permitted use and/or be subject to site plan review procedures. However, the Federal Telecommunications Act states that municipalities may not ban these facilities.

New York State considers wireless telecommunications service providers to be public utilities. This means that, when applying for a variance, public utilities do not have to meet the standards that are established in state law for the grant of variance. Instead, the public utility has to show that the grant of variance is necessary for it to provide service. Therefore, a municipality may have to allow a telecommunications facility, through grant of variance, where it is prohibited in the zoning ordinance.

## **Wind Generating Systems**

Wind generating systems, also known as "wind farms," provide a renewable source of electric energy. Wind generating facilities can include several or many wind generating systems.

A site for a wind generating facility must offer several features, including (1) a steady wind, (2) close proximity to the power transmission grid and (3) a large, open land area. Higher elevations are better because the wind is more consistent.

The siting of wind generating systems present many of the same planning issues as telecommunications facilities. A primary issue associated with wind generating systems is the visual impact. Modern windmills are about 230 feet tall and have blades that are 85 feet in diameter. Other issues are noise, lighting, vibration, and impacts on birds.

The same FAA regulations regarding lighting also apply to wind facilities. Since all modern windmills exceed 200 feet, they will be required to be lighted. Noise results from the turning of the blades. The amount of noise is dependent upon wind speed and direction, and can be reduced by regular maintenance. The distance from the wind generating system to the receptor of the noise is critical; the noise level drops with distance. Since wind generating systems are tall, they can have an impact on birds, especially when located in a migration route. A recent study of a wind generating facility in Toronto indicated that this facility had a minimal impact on bird mortality.<sup>1</sup>

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<sup>1</sup> James, Ross D. and Glenn Coady. Exhibition Place Wind Turbine Bird Monitoring Program in 2003. December 2003.

## **Conclusions**

Impacts from telecommunications facilities and wind generating systems are similar. The Town can regulate these land uses in order to address and resolve, to the maximum feasible extent, impacts that may result from future development of these facilities.

Local regulation of wind generating systems provides an opportunity to mitigate issues such as noise and vibration. The location of generating systems is critical to minimizing some of the potential impacts, and local regulation is crucial to addressing siting and other potential concerns.

Similarly, local regulation of telecommunications facilities should require service providers to address local concerns, such as lighting, height, type of tower used, and location of tower. All of these issues can affect the visibility of the tower, and thus affect the character of the community. The visual impact of telecommunications towers should be mitigated by requiring service providers to co-locate antennas on the same tower, thus avoiding a proliferation of towers. Local regulations also should include provisions for removing a tower when it becomes obsolete.

## **Appendix C**

### **Route 242 East Corridor Overlay District**

## **Appendix C**

### **Route 242 East Corridor Overlay District**

#### **A. Purpose**

The intent of the Route 242 East Corridor Overlay District is to prevent strip commercial development, traffic congestion and pedestrian conflicts. The overlay district is intended to encourage and foster commercial and business development with a consistency of architectural design and visual aesthetics, with sufficient buffering to protect residential neighborhoods, and to promote safety for pedestrian, vehicular and commercial traffic.

These overlay district regulations are intended to supplement the regulations of the underlying zoning district.

#### **B. District Boundaries**

The Route 242 East Corridor Overlay District is located along NYS Route 242, beginning at the eastern bounds of the Village of Ellicottville and following east along the highway to the eastern bounds of the Town of Ellicottville at its boundary with the Town of Franklinville. The district boundaries extend for one-half (1/2) mile on both sides of Route 242, measured perpendicular to the roadway, and beginning at the edge of the right-of-way of the roadway. The Corridor Overlay District includes the right-of-way of Route 242 and the right-of-way of roads that intersect it, as well as the lands adjacent to these secondary roadways.

#### **C. Permitted and Conditional Uses**

The land uses allowed in the Overlay District shall be the same as the permitted and conditional permitted uses in the underlying zoning district. In addition, accessory permitted uses in the Overlay District shall be those permitted in the underlying districts.

#### **D. Site Plan Review**

##### **1) Applicability and Exceptions**

Every new development, or substantial remodeling of an existing development, shall be required to receive a site plan review permit from the Town of Ellicottville Planning Board prior to the issuance of a building permit. However, the following shall be exempt from site plan review:

- a) Construction of new single family dwellings, including ordinary accessory structures and related land use activities. Additions, of any size, to existing single family dwellings are also exempt from site plan review.
  
- b) Construction of new two-family dwellings that are built on an individual lot and are not part of a larger development. Additions, of any size, to existing two-family dwellings are also exempt from site plan review.

- c) Agricultural activities, including construction of buildings and structures that are normally accessory to agricultural activities.
- d) The sale of agricultural produce and temporary structures related to the sale of agricultural produce.
- e) Logging and timber cutting
- f) Individual signs on existing buildings. However, signs that are a part of a larger project that is subject to site plan review shall be included as part of the site plan review for that project.
- g) Ordinary repair or maintenance to existing structures or uses.
- h) Interior structural alterations within any existing building.
- i) Exterior alterations or additions to existing structures which would not increase the square footage of the existing structure by more than twenty-five (25%) percent.
- j) Home occupations
- k) Accessory structures, including fences, unless the fence or other accessory structure is part of a larger project which is subject to site plan review.

## **2) Authorization to Review Site Plans**

The power to approve, approve with conditions, or disapprove site plans is hereby vested in the Planning Board of the Town of Ellicottville. When considering an application for site plan review, the Planning Board shall consider the development design criteria that are delineated in Sub-section 4 and elsewhere in this zoning ordinance.

When approving a site plan, the Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to the proposed site plan. Such conditions may include, but are not limited to, limiting the hours of operation; controlling the number and location of driveways; requiring fencing, screening, and/or landscaping to protect adjacent properties and to enhance the visual character of the development; requiring landscaping on site; limiting the number, size and location of signs; and conditions affecting any other development plan elements.

All conditions of approval must be met prior to the issuance of an Occupancy Permit, unless this requirement is expressly waived by the Planning Board.

Where a variance would normally be required under the provisions of this zoning ordinance, the Planning Board shall not have the authority to vary those provisions under site plan review. Application must be made to the Zoning Board of Appeals for a variance and the Zoning Board shall act on the application for a variance prior to final Planning Board action on the application for site plan approval.

### 3) Application Procedure

**a. Pre Application Conference.** A pre-application conference is encouraged to be held between the Planning Board and the applicant, prior to the preparation and submission of a formal site plan. During the pre-application conference the applicant can inform the Planning Board of the proposal prior to the preparation of detailed site plans. The Planning Board shall review the basic site design concept and advise the applicant about potential problems and concerns and generally determine the type of information that will be required for the site plan application.

In order to accomplish these objectives, the applicant shall provide the following at the pre-application conference:

- (1) A statement and rough sketch showing the locations, materials and dimensions of principal and accessory structures, parking areas, signs, a general idea of existing and proposed vegetation, and other planned features. In addition, anticipated changes in the existing topography and natural features, and, where applicable, measures and features to comply with floodplain regulations, shall be shown.
- (2) A sketch or map of the area with clearly shows the location of the site in relation to nearby street rights-of-way, properties, easements and other pertinent features.

**b. Application Submission.** An applicant for site plan approval shall submit a completed application to the Code Enforcement Officer, who shall forward it to the Planning Board.

The application shall contain the following information and materials:

- (1) An area map showing:
  - (a) The applicant's entire holdings
  - (b) All adjacent properties
  - (c) Adjacent streets, roadways and sidewalks
- (2) A plot plan, drawn to scale and having a north arrow and date, that shows:
  - (a) The location, dimensions, and use of all proposed buildings
  - (b) Means of access and egress
  - (c) All parking facilities and loading areas
  - (d) Location, design, and size of all signs
  - (e) Physical features intended to protect adjacent land uses, including screening, fencing and landscaping
  - (f) Existing natural features, such as wetlands, water bodies, watercourses, floodplain areas, and wooded areas.
  - (g) Internal streets and sidewalks
  - (h) a map showing all existing trees that are 6 inches in diameter or larger, measured at breast height. Significant clusters of smaller trees shall also be shown. Areas of the site that will not be disturbed during construction

need not be shown.

- (3) Floor plans and elevations showing all exterior architectural features, including materials and colors to be used.
- (4) A description of the sewage disposal and water supply systems to be used. Their location shall be shown on the plot plan.
- (5) Grading plan showing existing and finished contours and grades, the location of any slopes of five (5) percent or greater, and proposed erosion control measures
- (6) If the proposed project is in or near a floodplain, the applicant shall show that the project would not increase the base flood elevation. This proof shall be prepared by a registered professional engineer.
- (7) Detailed landscape plan and planting schedule, including numbers of specimens and types of plants. Landscape plan shall be prepared by a landscape architect, licensed to practice in New York State, or similar qualified professional.
- (8) Location and design of outdoor lighting facilities
- (9) Description of the nature and intensity of the proposed operation and its compatibility with surrounding development, including anticipated hours of operation.
- (10) Any additional information the Planning Board deems is necessary for an adequate assessment of a particular application.

The Planning Board may, at its discretion, waive any application requirement that it deems is not relevant to a particular application.

#### **4) Design Criteria**

When making a decision to approve, approve with conditions, or disapprove a Site Plan, the Planning Board shall consider the following:

##### **a) General Criteria**

- (1) The proposed project is in harmony with the goals and objectives established in the Town's Master Plan.
- (2) Compatibility of the proposed project with the general purposes and intent of this zoning ordinance.
- (3) Compatibility of the proposed development with the natural features of the site.
- (4) Compatibility of the proposed development, including the nature and intensity of use, with the existing uses and character of the neighborhood.
- (5) Adequacy of the proposed storm water and waste water disposal systems and adequacy of the proposed water supply system.

## **b) Architectural Design**

- (1) It is the intent of this overlay district to promote development that has an overall clarity and coherence of design features, without stifling creativity or requiring uniformity.
- (2) To achieve this, individual buildings within a single development shall have similar mass and bulk, height and roof style, window and door openings, colors and materials, and setback from any access roads. In addition, signage shall be uniform in size, type, and placement on the structures.
- (3) No prototypical buildings (corporate architecture) will be allowed unless shown (or modified) to be in general conformance with the Town's objectives and the surrounding uses.

## **c) Buffer and Setback Requirements**

- (1) Front yard setbacks from the street right-of-way line:
  - (a) For properties where there is a Conservation zoning district adjacent to Route 242, all buildings, including accessory buildings and parking lots shall be set back one hundred feet (100), the width of the district. This setback area shall be landscaped and maintained. No additional front yard setback shall be required for either parking lots or structures.
  - (b) For properties not on Route 242, or those on Route 242, but not containing a conservation district, the front yard setback for both buildings and parking lots shall be that of the underlying zoning district. The front yard setback area shall be landscaped and properly maintained.
- (2) Where a parking lot is located adjacent to a lot line of a residential property, or to the Residential Development (LD) District boundary line, a landscaped buffer yard shall be provided as follows:
  - (a) A fifteen (15) foot wide minimum buffer from the property line to the edge of the pavement, where the parking lot will have 15 or fewer parking spaces.
  - (b) Where the parking lot will have more than 15 parking spaces, the buffer yard shall be a minimum of twenty (20) feet wide from the property line to the edge of the pavement.
  - (c) Where the underlying zoning district would require a larger side or rear yard setback, the minimum setback in the underlying zoning district shall be required.
- (3) Where a parking lot is located adjacent to a side or rear lot line of a non-

residential property, a landscaped buffer yard a minimum of ten (10) feet in width from the property line to the edge of the pavement shall be provided. Where the underlying zoning district would require a larger side or rear yard setback, the minimum setback in the underlying zoning district shall be required.

#### **d) Parking Areas**

All parking lots shall conform to the standards contained in Section 5 of this Zoning Ordinance. In addition, parking lots in the corridor overlay district shall meet the following standards:

- (1) All parking areas for office and/or industrial uses shall be located behind or on the side of the building which it serves.
- (2) Where a parking lot, of any size, abuts a sidewalk, a landscaped buffer a minimum of five (5) feet in width shall be required adjacent to the sidewalk. If the site is constrained such that a five foot separation is not possible, a wall, fence or hedge a minimum of three feet in height shall be erected between the edge of the pavement and the sidewalk to promote pedestrian safety.
- (3) Not less than five (5) percent of the interior of a parking area designed for ten (10) or more cars shall be devoted to a required landscaped area. Where a parking lot contains 20 or more parking spaces, some or all of this requirement shall be in the form of planting islands or peninsulas. The planting islands or peninsulas shall be protected by curbing.
- (4) Where a parking lot contains 20 or more parking spaces, a landscaped buffer, a minimum of ten (10) feet wide shall be required around the perimeter of the lot, except the side which is adjacent to the building that the parking lot serves. If a landscaped buffer yard is required (see 4 (c) above), the buffer yard shall be considered to fulfill the requirement for that side of the parking lot. If an individual lot contains less than 10,000 square feet, the width of the perimeter landscaping shall be reduced to a minimum of four (4) feet.
- (5) All perimeter landscaped areas and interior islands and peninsulas shall incorporate trees, shrubs, grass or other appropriate landscaping treatments, subject to the approval of the Planning Board.
- (6) In cases where unique topography and site constraints are present, alternative parking designs may be considered, subject to the approval of the Planning Board.

## **e) Landscaping Requirements**

### **(1) General Standards**

(a) All exterior areas of any site not required for parking, accessory structures, or utility structures shall be landscaped. To meet this requirement, existing vegetation may be retained. In order to ensure the survival of trees and other plantings, each interior landscaping area shall be a minimum of 100 square feet, unless otherwise approved by the Planning Board.

(b) Landscaping shall be located around the perimeter of parking lots and in the interior of parking lots, as described above; in the front yard setback and parking lot buffer yards, as described above; and elsewhere on the lot, as required by the Planning Board. Foundation plantings may also be required along front walls of buildings.

(c) The Town encourages the retention of major stands of vegetation or single major specimens. Retention of existing suitable vegetation will reduce the amount of landscaping that needs to be provided. Individual trees should be a minimum of 6 inches in diameter, measured at breast height (4 1/2 feet from the ground) to be considered for retention. Major clusters of trees, where the individual trees are smaller than this standard shall also be considered for retention. Vegetation to be retained must be protected during construction according to the standards contained in Sub-section 4(e)(5) of these regulations.

(d) Landscaping may include deciduous trees, evergreens, shrubs, ground cover, perennial and annual plants, as approved by the Planning Board.

(e) Landscaping may include the use of berms, fencing, and raised or terraced planting beds, as approved by the Planning Board.

(f) The Town encourages the innovative use of planting design and materials. Use of plant materials that provide continual seasonal interest and/or use of native species is encouraged.

(g) No plastic or artificial plants shall be used to meet any requirement of this ordinance.

(h) Preferred tree species are those that do not have a high probability of causing damage to public water and sewer lines, having branches that are subject to a high incidence of breakage, or having fruit that is considered a nuisance or high maintenance, as determined by the Planning Board.

(2) Plant size and spacing at time of planting

- (a) Deciduous trees shall have a minimum caliper of two (2) inches, measured six inches above the ground.
- (b) All evergreen trees shall have a minimum height of five feet.
- (c) Hedges shall be a minimum of 24 inches in height at the time of planting. Spacing of the planting shall depend upon the species. Hedges shall form a solid continuous visual screen at least three feet in height within 2 years of planting.

(3) Ground Treatment

- (a) The ground area within required landscaping areas which is not dedicated to trees or preservation of existing vegetation shall receive appropriate landscape treatment and shall present a finished appearance and complete coverage upon completion. Sand or pavement shall not be considered appropriate landscape treatment.
- (b) Ground cover may be planted in lieu of grass in conjunction with planting of trees, shrubs, or hedges. Ground cover shall provide a minimum of 50 percent coverage immediately upon planting and 100 percent coverage within two years after planting.
- (c) Grass areas shall be planted with species suitable as permanent lawns. Grass areas shall be regularly maintained.

(4) Maintenance

- (a) All landscaping shall be maintained in a healthy condition throughout the year. Landscaped areas are to be kept neat and free of litter and weeds.
- (b) The applicant and all succeeding owners are required to maintain the landscaping in perpetuity. If trees on the landscaping plan, including those retained at the time of the initial construction, die, they shall be replaced within six (6) months. Shrubbery or other plantings which die shall also be replaced in kind within six (6) months.
- (c) The Planning Board may require the applicant to post a performance bond for a term of up to three years following completion of construction to ensure that replacement of trees and other vegetation occurs. This time period is the most critical for the health of transplanted trees and shrubbery.
- (d) The applicant and all succeeding owners are required to maintain the

landscaping in good and slightly condition. If not, the Planning Board has the authority to revoke the project's site plan approval and occupancy permit.

(5) Protection during construction of existing trees and other vegetation that are to be retained.

(a) No cables, fences, signs, or ropes shall be attached to any tree to be retained.

(b) Trees to be retained shall be enclosed by protective fencing that is sturdy, durable and visible. The size of the area to be protected is the critical root zone. (see Section 7: Definitions).

(c) No storage of construction materials, debris, or impervious materials shall be permitted within the critical root zone around trees to be retained.

(d) To the maximum extent possible, no excavation shall be allowed in the critical root zone around trees to be retained.

(e) Severe changes in grade affect the survival rate of existing vegetation. Therefore, if the grading plan calls for a finished grade that is 12 inches higher or lower than the existing grade within the critical root zone, that tree(s) shall not be included in the existing vegetation to be retained.

#### **f) Exterior Lighting**

(1) Exterior lighting shall be allowed during the hours that the facility is open. Lights may remain lit for 30 minutes before and after closing to provide security to employees. Otherwise, when the facility is closed, only minimal security lighting shall be allowed.

(2) Exterior lighting shall be arranged such that light falls only on the individual property and not on adjacent properties.

#### **g) Service Areas and Refuse Storage**

(1) All exterior service, loading, refuse and trash containers, storage and utility areas (including transformers, cooling towers, etc.) shall be located at the side or rear of the building and shall be screened so as not to be visible from the street right-of-way or from adjacent parcels. No material, supplies or equipment may be stored outside of any building, unless approved by the Planning Board.

(2) Loading dock areas shall be screened by a wall or fence that is a minimum of six (6) feet high.

(3) If a wall or other architectural treatment is proposed to screen the loading

docks and other service areas, then such wall shall match the building in terms of style and materials.

(4) Loading docks: Adequate loading and maneuvering space will be provided for each loading dock area, separate from the parking areas.

(5) There shall be no refuse storage near or adjacent to residential properties.

#### **h) Visibility at intersections**

All landscaping, buildings and other features shall conform to the visibility requirements contained in Chapter 5, Section 2 (H) of this zoning ordinance.

#### **i) Sidewalks**

All new access roads within business parks and other large scale developments shall contain sidewalks, a minimum of five (5) feet in width and built to Town standards, constructed on at least one side of the roadway.

#### **j) Access Management**

(1) No more than one curb cut (driveway) per development shall be allowed onto Route 242, except where, in the opinion of the Planning Board, safety considerations would dictate that additional driveways be allowed.

(2) Driveway entrances along the same side of Route 242 shall be a minimum of 300 feet apart.

(3) To the maximum extent possible, driveways on opposite sides of Route 242 shall be located opposite each other. If this is not feasible, driveways on opposite sides of Route 242 shall be separated a minimum of 125 feet, to ensure safe turning movements.

(4) Shared access driveways between adjacent developments is encouraged. Applicants that provide shared driveways shall receive a reduction in the number of parking spaces that are required under the zoning ordinance. The Planning Board will determine the reduction of parking spaces, which will depend upon the amount of total parking spaces available.

The land that comprises the shared driveway shall be recorded as an easement and shall constitute a covenant running with the land. Joint maintenance agreements should also be incorporated into the property deed.

(5) Shared access between parking lots on adjacent parcels is encouraged. The design and layout of the parking lots shall be coordinated to assure ease of movement between the lots and circulation patterns within the lots. A portion of the requirement for perimeter landscaping on each lot will be waived in order to

accomplish this. In addition, applicants that share access between parking lots shall receive a reduction in the number of parking spaces that are required under the zoning ordinance. The Planning Board will determine the reduction of parking spaces, which will depend upon the amount of total parking spaces available.

**k) Signs**

All signs shall meet the requirements of Chapter 12.1, Signs, of this zoning ordinance.

**l) Waiver**

The Planning Board may waive or modify any requirement under this section as long as the intent and purpose of the district is realized.

**5) Action on the Site Plan Application**

**a) Public Hearing**

(1) The Planning Board shall hold a public hearing on the application within sixty-two (62) days from the date that the completed application is received by the Code Enforcement Officer.

(2) Public notice of the hearing shall be printed in a newspaper of general circulation in the Town at least five (5) days prior to the date thereof, and shall be posted on the Town's official bulletin board for at least five days.

(3) Notice of the hearing shall be mailed to the applicant at least ten (10) days before said hearing.

(4) Notice of the hearing shall be mailed to all adjoining property owners at least ten (10) days before said hearing.

(5) In addition, notice of such hearing shall be mailed to the Cattaraugus County Planning Board for all applications that meet the requirements contained in Section 239m of New York State General Municipal Law. Such notice shall be mailed at least ten (10) days prior to the public hearing, and shall be accompanied by a full statement of the application.

**b) Decision**

The Planning Board shall decide on the application within sixty-two (62) days after the date of the public hearing. The time within which the Board must reach its decision may be extended by mutual consent of the applicant and the Board.

**c) Filing of Decision**

The decision of the Planning Board shall be filed in the office of the Town Clerk within five business days after such decision, and a copy thereof mailed to the applicant.

## **6) Expiration of Site Plan Approval**

Approval of the site plan shall expire one (1) year from the date of approval, if the applicant has not commenced construction on the project within that time. Extension of the approval may be granted by the Planning Board, upon written application by the applicant.

## **7) Definitions**

*Breast height* Measurement of the diameter of a tree at a height of four and one-half (4 1/2) feet from the ground.

*Caliper* A measurement of the diameter of a tree.

*Critical Root Zone* A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree to survive. The minimum critical root zone is the entire area included in a tree's dripline. However, if circumstances warrant, the Planning Board may require a larger critical root zone to be protected during construction.

*Deciduous* A plant that loses its leaves at least once during the year.

*Dripline* A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

*Evergreen* A plant that holds its leaves throughout the year

*Landscaping* Any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and nonliving landscape material (such as rocks, pebbles, mulch, walls, fences, or decorative paving materials). Landscaping may include the preservation and incorporation of existing trees and vegetation into site development.

*Mulch* any nonliving organic material customarily used in landscape design to retard erosion and to retain moisture.

*Shade tree* a hardwood tree that reaches a minimum height of 15 feet at maturity and which provides relief from direct sunlight for at least six months of each year.

*Shrub* a self-supporting woody perennial plant of low stature, characterized by multiple stems and branches growing from the base.

*Tree* a self supporting woody plant normally growing to a mature height of at least 15 feet.