

TOWN OF ELLICOTTVILLE
PLANNING BOARD MEETING MINUTES
Monday, March 25, 2024 at 6:00 p.m. at the Town Center

PRESENT: Timothy Zerfas, Chairman
Sheri Barrera, Member
Caitlin Croft, Vice-Chairperson
Daniel Kruszynski, Member
Jake Northrup, Member
Robert Poole, Member
Spencer Timkey, Member

ALSO PRESENT: Gregory Keyser–Town Planner, Kelly Fredrickson-CEO, Michael Rotella-Applicant, Aaron Tiller-Architect

Mr. Timothy Zerfas, Chairman called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance. He presented the agenda for changes or additions. Nothing was submitted.

Mr. Zerfas reopened the public hearing for **TZP-2023-278, 6064 Route 242, Michael Rotella, Preliminary Plan Application for a 7 Lot Subdivision.** He asked for questions or comments from the people attending. Nothing was submitted.

MOVED by Mr. Poole to close the public hearing for TZP-2023–278, 6064 Route 242, Michael Rotella, 7 Lot Subdivision. Seconded by Mr. Kruszynski. Ayes all. Carried.

The Minutes of the February 26, 2024 meeting were read. Corrections were made.

Moved by Ms. Croft to approve the Minutes of February 26, 2024 as corrected. Seconded by Mr. Zerfas. Ayes all. Carried.

Mr. Zerfas presented TZP 2023 278, 6064 Route 242, Michael Rotella, 7 Lot Subdivision for discussion.

Mr. Keyser presented the Preliminary Plan for 7 two-acre lots with 150 foot frontage in the Low Density District where single-family homes are allowed. He noted that NYSDOT concurs that the Town of Ellicottville should act as Lead Agency and the project does not appear to have a significant impact to traffic on the State Highway System.

NYSDEC concurs that the Town of Ellicottville should act as Lead Agency, the project will involve land disturbance of greater than one acre, is located within the Cattaraugus County Agricultural District and has the potential for federally-regulated wetlands.

Barton and Loguidice are waiting for answers to their concerns with regard to SWPPP which is based on an average lot disturbance of 0.7-acres per lot. Any disturbance greater than 0.7-acres should be reviewed by the Planning Board on an individual lot basis.

Cattaraugus County Planning Board reviewed the project and determined that the proposed action has some significant countywide or inter-community impacts with 7 new driveways being added along NYS Route 242, and recommends approval.

The Planning Board should review the EAF Parts 1 and 2 and make a determination of significance and issue a Negative Declaration.

Mr. Keyser recommended that the Planning Board grant Preliminary Plat and Final Plat approval with conditions he offered.

Moved by Mr. Zerfas that based on its review of the EAF the Planning Board makes a determination of non-significance documenting that the proposed action will not result in significant adverse environmental impacts and issues a Negative Declaration.

Seconded by Mr. Northrup. Ayes all. Carried.

Moved by Mr. Zerfas to grant Preliminary Plat approval for a 7 lot subdivision at 6064 NYS Route 242 as presented in materials in TZP-2023-278 by Michael Rotella.

Seconded by Mr. Kruszynski. Ayes all. Carried.

Moved by Mr. Zerfas to grant Final Plat approval for a 7 lot subdivision at 6054 NYS Route 242 as presented in materials in TZP-2-023-278 by Michale Rotella with the following conditions:

- 1. The Stormwater Pollution Prevention Plan be updated to address comments from Barton & Loguidice dated March 20, 2024.**
- 2. The following restriction/notation be placed on the final plat *“Subdivision stormwater management design was based on an average lot disturbance of 0.7-acres per lot. Planning Board approval and a professionally engineered stormwater management plan will be required when individual lot disturbance exceeds 0.7-acres.”***

Seconded by Mr. Northrup. Ayes all. Carried.

Mr.Zerfas presented TZP-2023-376, 6441 NYS Route 242, Bill and Lori Northrup, zoning change for discussion.

Mr. Keyser advised that the applicant no longer intends to split the property and is now requesting the zoning be changed from High Density Residential to General Commercial for the entire parcel of 12.6 acres. The purpose of the rezoning is to facilitate the expansion of an existing business as a special permitted use and allow the construction of a 10,080 square foot addition.

The property serves as the headquarters for North Park Innovations Group, which produces vocational training equipment and curriculum. The current use meets the definition for product assembly, which is not permitted in the HD District. The business pre-dates the current zoning regulations and is considered a non-conforming use. The property contains a stormwater detention pond, federal wetlands, and is in a flood hazard area.

Ms. Barrera asked are we setting precedent if we recommend rezoning? Will we get more requests from other property owners?

Mr. Keyser noted that the Town Board cannot spot zone. The applicants are trying to maintain a business and without the expansion will have to look elsewhere for adequate space. Many of the same uses are allowed in both the HD and Commercial Districts.

Ms. Croft stated that the plan promotes growth in the Town and is respectful of the environment.

Mr. Poole asked how the zoning affected the original project?

Mr. Aaron Tiller, representing the applicants noted that the property was purchased in 1980.

Mr. Poole noted that the expansion of the building does not appear to be a major change.

Mr. Keyser advised that the applicant has provided site plan drawing for review. He stated that the rezoning is consistent with the Town's Comprehensive Plan and the project will not result in any significant adverse impacts. If the Planning Board agrees, it may recommend to the Town Board that a negative declaration be issued and the rezoning be approved.

Moved by Barrera that the Planning Board recommends to the Town Board that the rezoning be granted and that a SEQR determination of nonsignificance be made and a Negative Declaration be issued. Seconded by Mr. Poole. Ayes all. Carried.

Other Business

Mr. Zerfas advised that the committee for the "Drinking Water Project" have completed their work. The consultant will be providing the participating communities with recommendations.

Mr. Zerfas noted that the next meeting is April 22, 2024. It appears there are no new applications.

Mr. Keyser advised that Reid Petroleum will be on the April agenda.

Mr. Keyser said he and Mr. Fredrickson met with Louise Iaacs and Peter Krog on the 2-cabin campsite. She is still working through issues.

Mr. Keyser advised that the Town has been working on amendments to the Zoning Regulations. A draft will be provided for the Planning Board to review. The Town Board wants recommendations from the Planning Board before approving the amendments.

Mr. Zerfas asked the status of the solar project?

Mr. Keyser said they have started work.

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

The meeting was adjourned at 6:30 p.m.