

**yTOWN OF ELLICOTTVILLE
PLANNING BOARD MEETING MINUTES
Monday, October 25, 2021 at the Town Center at 6:00 p.m.**

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

ALSO PRESENT: Gary Palumbo-Town Planner, Kelly Fredrickson-CEO, Anthony & Lisa Villanti-Applicants, Ronald & Tricia Villani, Robert & Suan Bavisotto, James Fittante-Architect, Spencer Timkey-Applicant, Jake Northrup-Applicant, Kathy Kellogg-Ellicottville Now

Mr. Richard Dayton, Chairman called the meeting to order at 6:00 p.m. and opened the public hearing for **TPB-2021-145**, 6633 Rt. 219 North, (Indoor Golf), Jake Northrup, Special Use Permit for a bar.

Mr. Palumbo presented a summary of the Special Use Permit application to add a bar and seating to the existing indoor golf facility in one of the buildings previously occupied by Northrup Construction. The 2.8 acre parcel is located within the General Commercial District.

The proposal is not subject to a 239 Referral to the Cattaraugus County Planning Board. This application can be Classified as a Type II Action under SEQR Part 617.5(c)(18) because it is a reuse of an existing commercial structure that is allowed as a special permit use, and it does not exceed any SEQR Type I thresholds. No further SEQR review is required.

Based on the information available, it appears the proposal meets the Town Comprehensive Plan and general intent of the Zoning. Following the close of the public hearing the Board has 62 days to act.

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

Mr. Palumbo advised that no written or verbal comments were received in response to the public hearing notice which was published in accordance with local law.

Moved By Mr. Zerfas to close the public hearing for TPB-2021-145, Special Use Permit application for a bar and seating. Seconded by Mr. Mathe. Ayes all. Carried.

Mr. Dayton opened the regular meeting.

Mr. Palumbo presented the revised agenda including TSP-2021-179-Board Room, wall sign and correspondence with regard to Route 219 Expressway in the Comprehensive Plan.

Moved by Ms. Barrera to approve the reviewed agenda as presented. Seconded by Ms. Koschir. Ayes all. Carried.

MINUTES

The Minutes of the September 27, 2021 meeting were read.

Moved by Ms. Croft to approve the Minutes of September 27, 2021 as read. Seconded by Mr. Mathe. Ayes all. Carried.

TPB-2021-145 - 6633 219 North, Jake Northrup Special Use Permit (bar addition to indoor golf facility)

Mr. Dayton presented TPB-2021-145, Special Use Permit application for bar and seating to the existing indoor golf facility for discussion.

Mr. Palumbo offered motions for the Board to consider.

Moved by Ms. Barrera based on review of SEQR thresholds in Part 617.5(c)(18) the Planning Board classifies the proposed addition of a bar and seating area within the existing indoor recreation facility as a SEQR Type II Action, and no further SEQR review is necessary. Seconded by Mr. Zervas. Ayes all. Carried.

Moved by Ms. Koschir to approve the Special Use Permit (as depicted on the application received August 31, 2021) to establish a bar for alcohol sales within the existing indoor recreation facility at 6633 Route 219 North. In taking this action the Planning Board finds that the proposal complies with all the criteria for approval in Section 3.6 (GC District) in the Town of Ellicottville Zoning providing all the following modifications and conditions are met:

- 1. Issuance of a building permit and subsequent construction (interior renovations) is subject to review and approval of the building plans and inspection by the Town Code Enforcement Officer.**

Seconded by Mr. Mathe. Ayes all. Carried.

TPB-2021-174 - 2 Rogers Road, Accessory Apartment Special Use Permit

Mr. Dayton presented TPB-2021-174, 2 Rogers Road, Special Use Permit application for an accessory apartment for discussion.

Mr. Palumbo presented his staff report on this Special Use Permit application for an accessory apartment to be built above a detached garage as part of a new single family dwelling. This lot is part of the 1987 Rogers Subdivision. The house (which is not subject to this SUP application) will be located off Rogers Road, at the top of the property. The

proposed garage fronts on Sugartown Road at the bottom of the hill. According to the site plan and floor plans, the 34' x 56' (1,904 s.f.) footprint of the second floor apartment above the garage is larger than the permitted (1,200 s.f.).

The 5 acre lot is located in the Agricultural-Residential District where single-family homes are allowed as a Permitted Use and accessory apartments require a Special Use Permit.

Accessory Apartments must meet the requirements in Section 12.11:

- A. *Where permitted in Article 3 of this Law, an accessory apartment may be allowed as an accessory use to a lot containing one single family home.*
- B. *All accessory apartments shall comply with the following standards.*
 - (1) *There shall be no more than one (1) accessory apartment per lot.*
 - (2) *The applicant shall demonstrate that the existing sewage disposal system and water supply are adequate to serve the accessory apartment.*
 - (3) *The applicant shall show that there is adequate off-street parking for the occupants of the accessory apartment in addition to the parking required for the preliminary residence.*
 - (4) *An accessory apartment may be located in a freestanding building, in a garage, or in an addition to the principal dwelling on the site. If an accessory apartment is located in the principal dwelling unit, the entry to such unit and its design shall be such that, to the maximum degree feasible, the appearance of the building will remain that of a single family dwelling.*
 - (5) *The minimum gross floor area for an apartment shall be three hundred (300) square feet. The accessory apartment shall be no larger than 1,200 s.f.*
 - (6) *Mobile homes and/or manufactured homes shall not be allowed as accessory apartments.*
 - (7) *Legal title to the accessory apartment and single-family unit shall be held in the same name.*

Mr. Palumbo noted that the criteria is met except that the proposed apartment is more than 1,200 s.f. He is not sure the garage apartment is subordinate to the main house. He also noted that the water supply and sewage disposal system are subject to review by the Town Engineer and Cattaugus County Health Department. There are two separate driveways proposed with a path between the house and garage that may be on slopes greater than 25 percent. There is enough information provided to set a public hearing for the November meeting.

Mr. James Fittante, representing the applicants, advised that the apartment is less than 1,200 s.f. The attic space cannot be used because of the design of the roof which slopes from 5 feet high to 1 foot high. He calculated the floor area as 1,199 s.f. The space will be insulated.

Ms. Barrera asked, will there be a door entrance to the attic space?

Mr. Fittante said the access to the space will be a 2' x 4' door.

Ms. Koschir asked what is the slope of the roof?

Mr. Fittante said the roof is a 6/12 pitch.

Mr. Palumbo asked Mr. Fittante to note on the plans that the attic space is non-conditioned or non-habitable and is for storage only.

Mr. Fittante said the stone path between the house and garage is not for vehicles. There is one water and septic system. The electric service will pull from a pole on Rogers Road for the house and from Sugartown Road for the garage.

Mr. Palumbo offered the following possible conditions: The stone footpath will not be a driveway. The lot cannot be subdivided.

Ms. Barrera asked can the house and apartment be rented out as AirB&B?

Mr. Palumbo said yes, according to Town Zoning regulations.

Mr. Fittante advised that the five acre lot allowed them to spread out the location of the house and garage.

Mr. Palumbo stated that 2 driveways on one lot cannot be approved.

Mr. Dayton said our concern is does the proposal meet the definition of an accessory apartment?

Mr. Fittante said based on the size it is an accessory apartment with the lower level as garage space.

Ms. Koschir asked will there be two physical addresses? One on Rogers Road and one on Sugartown Road?

Mr. Palumbo said that is up to the county assessor.

Mr. Fredrickson said they will have to be marked for the 911 system.

Mr. Poole asked, is the deed for one property?

Mr. Fittante said yes.

Mr. Mathe noted that if the accessory building is too big for an accessory structure it cannot be approved.

Mr. Fittante advised that New York State building code defines the space in the attic as not habitable.

Mr. Palumbo read the definition of an accessory apartment in the Town Zoning Code.

Mr. Fittante said he will provide all the information to verify the square footage of the attic space with notes on Sheets A1 and A2 for the November meeting.

Moved by Ms. Barrera to set a public hearing for TPB-2021-174, 2 Rogers Road, Special Use Permit application for an accessory apartment for November 22, 2021 at 6:00 p.m. Seconded by Ms. Koschir. Ayes all. Carried.

TSP-2021-179- The Board Room- Wall Sign

Mr. Dayton presented TSP-2021-179, The Board Room, Spencer Timkey sign permit application for wall sign.

Mr. Palumbo advised that the proposed sign will be approximately 175 s.f. of lettering placed 1 foot off the ground on the side of the building. Since it is more than 32 s.f. It needs Planning Board approval. Based on the information the Board needs to determine if this is a sign or a mural/public art. If it is a sign it will be documented with a permit.

Ms. Koschir asked if there are any other buildings in town with graphics painted on a facade of the building?

Mr. Palumbo said yes.

Mr. Spencer Timkey said the "Greetings from Ellicottville" will be painted between the two windows which are 20 feet apart. It is a way to use the side of the building. Customers could take photographs in front of the sign.

Mr. Dayton noted that the super graphics allows the Planning Board to approve it as a mural. Mr. Palumbo read from Section 12.1. J.1.F allowing the mural if it is not for advertising and not competing with existing signage.

Moved by Ms. Barrera that based on Section 12.1.j.1.F and the application materials submitted the Planning Board determines that the super graphics is a mural and not an advertising sign. Seconded by Mr. Poole. Ayes all. Carried.

OTHER BUSINESS

Mr. Palumbo advised that he has no update on the Tiny Homes Village sp==project.

CORRESPONDENCE

Mr. Gary Mathe read a letter he received from Donald Nowak of West Valley with regard to the Town's Comprehensive Plan, 2018 update and the prominent role in the town's 10-year plan for the 219 Freeway Project. He expressed concern that the Comprehensive Plan Map shows an overlay of all the town's parcels and zoning boundaries depicting what it labels as "Freeway Alternative". The project remains suspended pending a Supplemental Environmental Impact Statement. He is requesting that the "Proposed Route 219 Corridor and "Proposed Route 219 Expressway Interchange" be removed from the Comprehensive Plan Map.

Mr. Palumbo advised that we need the status of the 2016 NYS DOT SEIS before we can make changes to the Comprehensive Plan and Map. He will contact NYS DOT for information on the status.

Mr. Dayton suggested that we let Mr. Nowak know we are looking into the situation, but nothing will happen until we look at the Comprehensive Plan in 2 years.

Mr. Palumbo agreed to write a letter on behalf of the Planning Board.

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

The meeting was adjourned at 7:10 p.m.

