

**TOWN OF ELLICOTTVILLE  
PLANNING BOARD MEETING MINUTES  
Monday, September 27, 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  
Timothy Zerfas, Member

**ALSO PRESENT:** Gary Palumbo-Town Planner, Kelly Fredrickson-CEO, Aaron Tiller-Architect, Jake Northrup-Applicant, Kathy Kellogg-Ellicottville Now

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

**MINUTES**

The Minutes of the June 28, 2021 meeting were read. Corrections were made.

**Moved by Ms. Koschir to approve the Minutes of June 28, 2021 as corrected.  
Seconded by Mr. Mathe. Ayes all. Carried.**

**TPB-2021-145-6633 Rt. 219 North (Indoor Golf) Jake Northrup  
Special Use Permit-Bar**

Mr. Palumbo presented his staff report on this Special Use Permit application to add a bar and seating in 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 applicant proposed to establish an approximately 350 s.f. area inside the larger approximately 1,730 s.f. indoor commercial recreational facility, which was previously approved.

The Planning Board can update the existing SUP or grant a new Special Use Permit which may be needed for the New York State Liquor Board to issue a liquor license.

This is an Unlisted action, a Short Environmental Assessment Form- Part 1 has not been submitted; the Planning Board has to make a Determination of Significance prior to taking action on the Special Use Permit. If the Board feels it has enough information to conduct a meaningful public review a public hearing can be set for the October meeting. Once the public hearing is closed, the Planning Board has 62 days to act.

Ms. Barrera asked if food and drink will be served?

Mr. Northrup said only beer and wine to members and guests only. There will be seating for about 10 people.

Ms. Barrera asked if it will be open to the public?

Mr. Northrup said no. This is for members only and any guests they bring. The hours will be the same as for the golf facility.

Mr. Dayton asked what are the hours of operation?

Mr. Northrup said they are not set yet as he is not currently open. Members can reserve a time online. The number of people on site at one time is very small.

Mr. Zerfas asked if water and sewer facilities are adequate?

Mr. Northrup said yes, there is one bathroom.

**Moved by Ms. Barrera to set a public hearing for TPB-2021-145, Jake Northrup, 6633 Route 219, North for a Special Use Permit to establish a bar and seating in the indoor golf facility for October 25, 2021 at 6:00 p.m. Seconded by Ms. Koschir. Ayes all. Carried.**

**TPB-2021-146 - Krawec Minor Subdivision (Jed Lane)  
Minore Subdivision (3 lots)**

Mr. Palumbo presented his staff report on this request for a Minor Subdivision under Section 2.2(C) of the Subdivision Regulations: "A subdivision as defined herein shall be a Minor Subdivision if it meets all of the following criteria:

1. The division of any parcel into fewer than five (5) lots; and
2. All lots have legal access to an existing public highway; and
3. All lots meet the Health Department standards with regard to water supply and sewage disposal; and
4. All lots meet the current zoning ordinance regulations for the district in which the lots are located; and
5. The Planning Board determines that the proposed subdivision is not likely to have a potentially major impact on the orderly growth and development of the Town; and
6. The Planning Board determines that the proposed subdivision is not likely to have a potentially significant impact on the environment."

The proposal is to subdivide approximately 92.11 acres into 3 lots; 3 acres, 5 acres and the remaining 84.11 acre lot. The property is located in the Agricultural-Residential District where single-family dwellings are Permitted Uses (on 2-acre lots) with a Building Permit from the CEO. Part of the larger parcel was one of the lots from the previously approved Jed Lane subdivision plus the remaining Jedrzejek property. All three lots meet the minimum lot size and lot width, and a house can fit within a building envelope defined by the setbacks.

All 3 lots front on the existing private road. The remaining 84.11 acres also has the remnants of the proposed road extension. It is unclear if there are future plans to subdivide the remaining 84.11 acres. The HOA was never created, and the remaining lots have been reassembled under different ownership over the years. If there isn't a HOA to own and maintain the road, then the lot owners using that road need access easements from Ward Holdings LLC (owner of the road) as well as a road use and maintenance agreement.

Otherwise, these lots do not have legal access to an existing public highway as required by minor subdivision criteria.

Mr. Dayton asked did Ward Holdings dissolve the lots on the other side of the road?

Mr. Palumbo said he does not know.

Mr. Dayton noted that if there is an agreement for the private road maintenance, then the lots on the other side of the road have access to a public road.

Mr. Aaron Tiller, representing the applicants, advised that Ward Holding owns that land with no lots created. He presented a deed showing Jed Lane as the legal access to Somerville Valley Road. Access is for all 92.11 acres. This is part of the transfer of property from Joe Jedrzejek to Jill Harter and Ted Krawec.

Mr. Palumbo said these 2 lots are fine, but we need to know how the remaining 84.11 acres will be used.

Mr. Tiller said the applicant says he has no plans to subdivide the 84.11 acres.

Mr. Palumbo advised that even if the road is not built to Town standards, we have to make sure it is maintained.

Mr. Tiller advised that as long as Harder, Krawec and Ward Holdings have an agreement for the private road it will be sufficient.

Ms. Koschir asked who is maintaining the road now?

Mr. Tiller said he doesn't know who is plowing the snow. The language of the Krawec deed for the 92 acres runs with the future development of the 3 lots.

Mr. Dayton asked, are we putting all the maintenance of Jed Lane on these 3 lots?

Mr. Palumbo said on these 3 lots and any future building lots on Jed Lane.

Mr. Palumbo said the Board can move forward on the minor subdivision and approve with conditions. He offered motions for the Board to consider.

**Moved by Ms. Barrera that based on review of the Short Environmental Assessment Form - Parts 1 and 2, the Planning Board makes a Determination of Non-significance documenting that the proposed action will not result in significant adverse environmental impacts and issues a Negative Declaration. Seconded by Mr. Mathe. Ayes all. Carried.**

**Moved by Ms. Koschir to determine under Section 2.2(C) of the Subdivision Regulations that the proposed subdivision of 92.11 acres at 6468 Somerville Valley Road (tax map #:47.004-1-9.11) into 3 lots of 3 acres, 5 acres and 84.11 acres (as depicted on the application materials received September 15, 2021) meets the criteria for a minor subdivision provided the following condition are met:**

- a) Prior to issuing zoning or building permits, each of the 3 lots must demonstrate it has legal access to Jed Lane and is participating in a road use and**

**maintenance agreement. Language from the 92 acre Jedrzejek/Krawec deed shall run with the future lots.**

- b) Future subdivision of the remaining 84.11 acres shall be accompanied by a layout plan for the entire 84.11 acres, or otherwise be determined to be a major subdivision, per Section 2.2.**

**Seconded by Ms. Barrera. Ayes all. Carried.**

### **OTHER BUSINESS**

Mr. Palumbo presented an update on the Tiny Homes project on Route 242. The applicant plans to finish it in the spring of 2022.

Ms. Barrera asked if they are working on the issues submitted by Ben Slotman, Town Engineer and the conditions of approval by the Planning Board?

Mr. Palumbo said that he, the Code Enforcement Officer and the Town Engineer would make sure that all the issues are addressed and the conditions met when the applicant applies for a building permit. Mr. Slotman's issues are engineering. They have to submit a revised site plan for the staff to review.

Ms. Barrera asked, did they arrange overflow parking with HoliMont?

Mr. Palumbo said that was not one of the conditions, and if they cannot meet the conditions they will have to come back with a revised plan, which will come before the Planning Board.

Mr. Palumbo advised that the "Drinking Water Project" held a meeting on Wednesday, September 22, 2021. A committee of various agencies is being formed and one member from the Town Planning Board needs to be on the committee. Tim Zerfas is already on the committee as the Cattaraugus County representative. Mr. Dayton volunteered to serve on the committee.

Mr. Zerfas advised that the committee will be working with a consultant. The Town of Ellicottville was selected by the New York State Department of Health for a grant.

Mr. Palumbo presented information on training opportunities for Board Members who need 4 hours of training each year.

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

The meeting was adjourned at 7:15 p.m.