

**TOWN OF ELLICOTTVILLE**  
**PLANNING BOARD MEETING MINUTES**  
**Monday, February 27, 2023 at the Town Center at 6:00 p.m.**

**PRESENT:** Richard Dayton      Chairman  
              Sheri Barrera         Member  
              Caitlin Croft           Member  
              Daniel Kruszynski     Member  
              Robert Poole          Member  
              Timothy Zerfas        Member

**ALSO PRESENT:** Gregory Keyser-Town Planner, Rich Rinko-Assistant CEO,  
                      Michael Rotella- Applicant

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

The Minutes of the January 23, 2023 meeting were read. Corrections were made.

**Moved by Mr. Kruszynski to approve the Minutes of January 23, 2023 as corrected. Seconded by Mr. Poole. Ayes all. Carried.**

Mr. Dayton presented TZP-2022-244, 6064 NYS Rte 242, Michael Rotella, Intent to Subdivide.

Mr. Keyser presented his staff report on this application for an 11 lot conservation subdivision referral to the Planning Board for subdivision approval and Master Plan Development approval on approximately 50.14 acres. 11 lots are proposed for single-family residential development and 1 lot is being proposed as a conservation area. There is a small freshwater wetland pond on the site. A portion of the property at the rear property line is in a significant ridge line overlay district and wooded steep slope areas encompass a significant portion of the lot.

The property is located in two zoning districts, with a substantial portion of the lot being in the Low Density Residential District and the area along Route 242 being in the Conservation District, Section 1.7 of the Zoning Code sets the criteria for lots located in more than one zoning district and stipulates that if any portion of a lot is in a Conservation District, the regulations for the Conservation District apply.

The first step in the review process for Subdivision approval is a Sketch Plan Review and Master Planned Development approval, is a pre-submission conference. This will give the Planning Board an opportunity to become familiar with the project at a conceptual level and determine general compliance with the Zoning. The Board held a pre-application conference with Mr. Rotella at the January meeting. This is the Sketch Plan phase of the process.

Mr. Rotella advised that he is looking for input from the Planning Board on whether this plan can be approved. He noted that a Master Planned Development is not allowed in the Conservation District. If the project moves forward he will have to apply to the Zoning Board of Appeals for a use variance.

Mr. Dayton noted that a clustered subdivision usually has the buildings or lots, clustered in one area with an access road, not 11 driveways off of the main road.

Ms. Barrera stated that a clustered development cannot be more than the number of lots allowed in the zoning. There is no access to the rear lots.

Mr. Rotella said the drawing is not complete. An access road cannot be constructed due to the topography. The maximum number of lots allowed is 12 as shown on the plan.

Mr. Dayton advised that if the buildings were clustered the lot size can be smaller and the setbacks reduced.

Ms. Barrera noted that the pond appears to be on 2 lots. Will that be a problem?

Mr. Keyser said that US Fish & Wildlife has designated the pond as a "wetland pond."

Mr. Dayton stated that a clustered development should have one common driveway serving all the lots.

Mr. Poole noted that Rte 242 has no shoulder and sight lines are limited. 11 curb cuts is not a good idea.

MR. Rotella stated that the proposed plan meets the zoning code.

Mr. Keyser said that based on the Planning Board's idea of what a clustered development looks like perhaps we need to revise the code.

Mr. Kruszynski noted that the Comprehensive Plan suggested limiting the number of driveways off of a road.

Mr. Keyser stated that the maximum lot width in the Conservation District is 150 feet. The applicant is proposing a lot width of 200 feet.

Mr. Dayton said the purpose of the Conservation District was to keep the rural appearance along the route to the Village. One driveway serving a subdivision is a true cluster. The proposal is a lineal development.

Mr. Zerfas suggested 2 entrances parallel to Route 242.

Mr. Rotella said there is an existing house on the property so that is not possible. I started with 13 lots and am now down to 10. I do not want to lose any more lots.

Ms. Croft said an access road may be feasible if located on slopes not greater than allowed in the zoning.

Mr. Zerfas noted that installing a septic system may be a problem.

Mr. Rotella said he would have his engineer consult with Cattaraugus County Health Department to design a system that meets code and works.

Mr. Zerfas advised that private wells may be needed for water supply.

Ms. Barrera stated that 11 curb cuts off of Route 242 is not acceptable.

Mr. Rotella said that with the location of the existing house a single access road is not possible.

Mr. Keyser asked if he could consider shared driveways.?

Ms. Barrera asked if the house is occupied?

Mr. Rotella said no.

Ms. Barrera asked did you purchase it?

Mr. Rotella said yes as part of the property site.

Mr. Kruszynski asked if the site could be developed with fewer lots?

Mr. Keyser said yes.

Mr. Keyser noted that under Section 2.5 of the Town's Subdivision regulations, the Planning Board is authorized to consider cluster subdivisions, which may be approved in any zoning district subject to the regulations set forth in the Town's Zoning Code. Article 4 of the Zoning Code sets forth the guidelines for Master Planned Developments that among other things provides for the flexibility of development and allows the Planning Board to consider a reduction in densities and preservation of open space. Under Section 4.2(D) a Cluster Subdivision requires an application for both a subdivision approval and application for Master Planned Development. However, Master Planned Development with residential uses only are not permitted in the Conservation District. If the applicant chooses to proceed with the project, a Use Variance will be required from the Zoning Board of Appeals.

Mr. Kruszynski asked, is the Conservation District always the first 100 feet from the road?

Mr. Keyser said yes.

Mr. Barrera said she is not saying no, but a lot has to be done to the plan.

Board Members agreed that they would not want to approve the lot layout with 11 curb cuts along Route 242.

Mr. Rotella said he is not sure the look is going to change. Driveways along Route 242 is the best option.

Mr. Dayton advised that the applicant can design a development that meets the Town Zoning Code requirements for the Low Density District. It is important to maintain what currently exists in Ellicottville.

Mr. Rotella said he will consult with his engineer on a redesign that meets Zoning Code requirements.

Mr. Dayton presented TZIP-2023-029, 8030 Jackman Hill Road- Qualtek Wireless, Special Use Permit for Cellular Antenna Co-Location on existing tower.

Mr. Keyser presented his staff report on this Special Use Permit application to allow the co-location of antennas and equipment on an existing telecommunications facility. The proposed antennas will be installed at a height of 220-feet on the existing tower. The

proposed equipment includes an 8' x 12' enclosure on a 9' x 12' concrete pad with underground trenching and cable connections for power and communications. All work is to be completed within the existing fence line of the current base station. The current facility is a nonconforming structure that exceeds the maximum 150 foot height requirement for telecommunication towers. The facility was constructed in 1997, which predates the Town's current regulations for telecommunication facilities. Sections 10.2 and 10.6.A of the Zoning Code sets forth criteria for non-conforming buildings and allows the co-location of equipment on existing facilities.

The project site is situated on a parcel of land encompassing approximately 41.95 acres in the Agricultural-Residential District. Access is by an existing driveway from Jackman Hill Road. The applicant has a lease agreement with the current property owner to operate the facility.

This is the second co-location request in the past year for this site and by the same applicant. The structural analysis indicates the tower and foundation can support the proposed equipment. The report has been sent to Barton & Loguidice to confirm its conclusions and verify that the analysis was conducted in accordance with best management engineering practices.

If the Board feels it has enough information for a meaningful public review a public hearing can be set for the March meeting.

**Moved by Ms. Croft to set a public hearing for TZP-2023-029, 8030 Jackman Hill Road, Qualtek Wireless, Special Use Permit for cellular antenna co-location on existing tower for March 27, 2023 at 6:00 p.m. Seconded by Mr. Zerfas. Ayes all. Carried.**

Mr. Keyser expressed concern on how many antennas can be added to the tower before a new tower will need to be constructed.

Mr. Dayton expressed concern that the old tower should be decommissioned and taken down.

Mr. Keyser presented a status report on the 3 Tier Community Solar project at 6902 Simmons Road. The developers have met with the neighbors and addressed the issues presented at the public hearing. They are working on a revised plan with a smaller footprint and located further up the hill.

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

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