

**VILLAGE OF ELLICOTTVILLE
ELLICOTTVILLE, NY 14731**

**PLANNING BOARD MEETING MINUTES
JULY 13, 2021**

PRESENT: Nancy Rogan, Chairperson
Sheila Burrell, Member
Sean Cornelius, Member
Damon Newpher, Member
Sandy Reed, Member
Greg Cappelli, Alternate

ALSO PRESENT: Gary Palumbo-Village Planner, Kelly Fredrickson-CEO, Bradley Hurley-Applicant, David Parker-The Villager, Kathy Kellog-Ellicottville Now

**AGENDA: VPB-2021-092- 5 East Washington Street-Cigar Lounge
Special Use Permit**

**VPB-2021-098- 18 Washington Street-Dekdebruns
Letter of Intent for Minor Subdivision**

**VSP-2021-067- 23 Jefferson Street-AVA Grace
Sign Permit**

**7-9 Elk Street (status of ZBA action)
Moratorium Committee
2020 Comprehensive Plan Committee-status**

DISCUSSION: Nancy Rogan, Chairperson called the meeting to order at 5:30 p.m. with six members present.

The Minutes of the June 8, 2021 meeting were read. Corrections were made.

MOTION: Moved by Sean Cornelius to approve the Minutes of June 8, 2021 as corrected. Seconded by Sheila Burrell. Vote 4-0. Carried.

Nancy Rogan presented the agenda for changes, addition or approval. The agenda was approved as submitted.

DISCUSSION: Nancy Rogan presented VPB-2021-093, 5 East Washington Street, cigar lounge/bar, Bradley Hurley, Applicant.

Gary Palumbo presented his staff report on this application to establish a “cigar lounge” in two of the commercial spaces at 5 East Washington Street. The applicant proposes to establish a new approximately 3,945 s.f. Cigar lounge apartment within the 11,555 s.f. building. The existing parking lot will be utilized. No exterior renovations are proposed. The building owner is working with the State and CEO on building wide modifications to become compliant with the floodplain regulations.

While a “tobacco and cigarette store” is Permitted as a retail commercial establishment, the applicant intends to also serve alcohol, which is only allowed with a Special Use Permit from the Planning Board.

This is an Unlisted Action under SEQR and a Short EAF Part 1 is required. A Determination of Significance will need to be made prior to taking action on the Special Use Permit. This project is exempt from 239 Referral to the Cattaraugus County Planning Board under Item 8 and 15 of the Exemption Agreement between the County and Village.

It appears the general intent of the Village Comprehensive Plan, Zoning and general redevelopment policies can be met and the review criteria for a Special Use Permit can be met. The change in use is allowed in the VC-1 District. If the Planning Board agrees a public hearing can be set for the August meeting.

Nancy Rogan asked, is the cigar lounge private?

Bradley Hurley said the lounge will be private with paid memberships. The retail portion will be open to the public.

MOTION: Moved by Sandy Reed to set a public hearing for VPB-2021-93, Bradley Hurley, 5 East Washington Street, Special Use Permit for a cigar lounge/bar. Seconded by Damon Newpher. Vote 4-0. Carried.

DISCUSSION: Nancy Rogan presented VPB-2021-098, 18 Washington Street, Greg Dekdebrun, letter of intent to subdivide.

Gary Palumbo advised that this is an application for a minor subdivision in order to sever the property at 18 Washington Street into 2 separate parcels. He advised that Mr. Dekdebrun has asked that the application be tabled as he is looking into an easement to access the rear proportion of the property.

MOTION: Moved by Sheila Burrell to table VPB-2021-098, 18 Washington Street, application for a minor subdivision pending resolution of an access easement by the applicant. Seconded by Sandy Reed. Vote: 4-0. Carried.

DISCUSSION: Nancy Rogan presented VSP-2021-067, 23 Jefferson Street, Ava Grace, Sign permit application.

Gary Palumbo presented the sign permit application from Jessica Gilbert for a ground sign. The oval shaped sign is 2 feet by 3.5 feet. It is before the Planning Board because it does not meet the 60 feet from the centerline of the road requirement. A photograph shows the sign attached to 2 posts (one 5' and one 6'). He will clarify the height of the poles with the applicant. The sign should be 6 feet above the ground.

Nancy Rogan noted that this is the sign she used at her Washington Street store. She also stated that the sign for the spa that previously occupied the building was on the same location.

Mr. Palumbo said that there was no information about illumination. If it is requested it must shine down on the sign from the top. This should be a condition of approval. The sign meets the zoning regulations.

MOTION: Moved by Sean Cornelius to approve sign permit for VSP-2021-067, Ava Grace at 23 Jefferson Street as submitted in application materials with the condition that any lighting will shine down on the sign from the top. Seconded by Damon Newpher. Vote 4-0. Carried.

DISCUSSION: Gary Palumbo advised that the Zoning Board of Appeals held a public hearing on variance requests for the accessory structure at 7-9 Elk Street. The applicants proposed to raise the existing garage structure and add an addition to this non-conforming structure. The applicants withdrew the application in order to redesign the existing 20'x20' building so it can be elevated. If they are only elevating and not changing the footprint and not expanding the non-conforming structure an application will come to the Planning Board for Site Plan and Architectural Design Review.

Sean Cornelius asked will there be a full basement?

Kelly Fredrickson said no, a higher crawl space.

DISCUSSION: Gary Palumbo stated that he would like to set a meeting for the Moratorium Committee. He suggested Tuesday, July 27. Some members will not be available. The meeting was set for Tuesday July 20, 2021 at 4:00 p.m.

MOTION: Moved by Sheila Burrell to adjourn at 6:00 p.m. Seconded by Sandy Reed. Vote 4-0. Carried.

Submitted by: Donna Baldwin, Secretary