

**VILLAGE OF ELLICOTTVILLE
PLANNING BOARD MEETING MINUTES
MAY 9, 2023**

PRESENT: Nancy Rogan, Chairperson
Sheila Burrell, Member
Sean Cornelius, Member
Chad Neal, Member
Gregory Cappelli, Alternate Member

ALSO PRESENT: Gregory Keyser-Village Planner, Kelly Fredrickson-CEO, John Burrell-Village Mayor, Doug Bush-Village Board member, Aaron Tiller-Architect, Jennifer Courtney, Bill Stoll-Applicants, Nathan Woodruff-Ratchet-Hatchet, Jeremy Wassel, Bill Paladino-Ellicott Development, Jeff Hayes-Applicant, Caleb Henning-MDA Consulting Engineers, Lisa Hunt, Terry Hunt, Pamela Oldenburg, Kurt Oldenburg, Perry Chamberlain, Chris Nenstiel, Alison Neal, Bill Coolidge, Lindy Pollack, Erin Grover

AGENDA: VZP-2022-227- 1-5 E. Washington Street-Ellicott Development
Special Use Permit, Site Plan Review-Restaurant/Bar
Public Hearing May 9, 2023

VZP-2023-039- 23 Mill Street- Village of Ellicottville-Municipal Parking Lot
Special Use Permit, Site Plan Review
Public Hearing May 9, 2023

VZP-2021-123- 18 Elizabeth Street- Rick Desimone
Site Plan Amendment- New Single-family residence

VZP-2022-138- 11 Parkside Drive- Robert Beth Stephens
Site Plan Amendment-New Single-family residence

VZP-2022-230- 29 Elizabeth Street- Jeff & Mindy Hayes
Architectural Design Review- 2 story residential addition

VZP-2023-136- 16 Martha Street-Daniel Saunders
Sign Permit- New ground/pole sign

VZP-2023-138- 18 Washington Street- Tammy Bess
Sign Permit- New hanging sign

VZP-2023-143- 16 Mechanic Street- Jennifer Courtney/Bill Stoll
Architectural Design Review- Accessory building

DISCUSSION: Nancy Rogan, Chairperson called the meeting to order at 5:30 p.m. with five members present and opened the public hearing for VZP-2022-227- 1-5 E. Washington Street, Ellicott Development, Special Use Permit for buildout of commercial space to accommodate indoor entertainment/bar/restaurant for Ratchet Hatchet and Site Plan Review of proposed deck and driveway. The applicant purchased the 7 E. Washington Street property and the Village Board zoned it Village Commercial which allows for the 24 foot drive aisle needed to access the rear parking area.

Mrs. Rogan asked for questions or comments from the people attending.

Greg Keyser said he received one email from Lisa Hunt in response to the public hearing notice which was published in accordance with local law. He read the email for the record. Her concerns include noise levels, light pollution, exterior deck, live music, hours of operation and fence type.

Jeremy Wassel of Ellicott Development presented information on the hours of operation Thursday through Sunday, noting that the deck will be closed at 10pm and they will adhere to the Village Noise Ordinance. The lighting will be changed to gooseneck lights over the entrances which will shine down and the existing flood lights will be changed to wall mounted lights with shields so as not to spill onto neighboring properties. The proposed deck will be 2 feet above the grade and 4 feet below the top of the 6 foot fence along the property. He advised that the fencing can be changed if the board on board style does not work.

Nathan Woodruff of Ratchet Hatchet said the music will be acoustical and any live performers will be 1 or 2 people.

Perry Chamberlain stated that the lighting shines in his windows and he feels his privacy is gone with the noise from a deck that is open until 10:00 p.m. He noted that with the removal of the sign for CCIDA and with only 2 spaces for their employees people will park in his driveway.

Mr. Wassel said they will put up new signage to direct vehicles to the correct parking area.

Lisa Hunt asked, if the emergency access will still be in place with the new 24 foot wide driveway?

Mr. Wassel said yes.

MOTION: Moved by Chad Neal to close the public hearing for VZP-2022-227, 1-5 E. Washington Street, Ellicott Development, Special Use Permit and Site Plan Review of proposed change in use to indoor entertainment/bar/restaurant for Ratchet Hatchet. Seconded by Sheila Burrell. Vote 4-0. Carried.

DISCUSSION: Nancy Rogan opened the public hearing for VZP-2023-039, 23 Mill Street, Village of Ellicottville, Special Use Permit and Site Plan Review of proposed municipal parking lot.

Doug Bush, Village Board member presented the proposal to construct a 128 space municipal parking lot. The Village Board has been working for over 3 years to get

Cattaraugus County invested in this project as Ellicottville provides a large amount of the county's tax revenue. With the promotion and growth of tourism parking has become a problem which is addressed in our Comprehensive Plan. Cattaraugus County is reimbursing the Village of Ellicottville for 80 percent of the cost of the project. The cost to the Village will be \$173,000. The Village Board has looked at many options with regard to parking including busing people into the Village. Garbage and safety will be handled by the Department of Public Works and the Police Department. There will be no overnight parking. There has been a concern with how much traffic will be generated. Currently Fitzpatrick & Weller have 100 vehicles a day entering and exiting their property. It is hard to say how much more traffic will be generated by the parking lot. Lighting will be "dark sky" compliant with no spillage over the fence. A 6 foot light-tight fence is proposed around the property and will be 10 feet off the property line. The stormwater runoff will be managed per NYSDEC regulations.

Caleb Henning of MDA Consulting Engineers presented the site plan for the proposed parking lot with 126 spaces, 5 handicap spaces and 2 charging stations. He noted the location of a split rail fence and of the light tight fence along the property lines. The fence will be wood or vinyl if that option is available for less maintenance. Two areas are provided for snow storage. Some landscaping and trees are proposed. The proposed lighting plan exceeds what is required by the Village Zoning Code. The shields on the lights will prevent any lighting from shining above 80 degrees. There will be enough lighting for safety but not enough for light pollution to trespass onto neighboring properties. The lighting will be .3 foot candles which is much less than the 2 footcandles in most municipal lighting. The Village Board wants the project to be as neighborly as possible. The stormwater plan is in compliance with NYSDEC regulations. In fact it exceeds their requirement. The site is the low point in the area and runoff is coming from other properties. An infiltration system will be proposed with a grassline swale which will help filter elements from the runoff.

Nancy Rogan asked for questions or comments from the people attending.

Greg Keyser advised he received 3 written comments in response to the public hearing notice which was published in accordance with local law. He read them for the record:

1. email from Lisa Wolos-Masliwec asking if there will be an increase in water runoff onto her property after the lot is built and if there will be a privacy fence?
2. email from William & Marlene Hanson of 40 Monroe Street who are opposed to the project and expressed concerns with the size of the lot, the entrance/exit between existing homes on Mill Street and the 8 foot wide walking path on Martha Street. Other concerns include noise, traffic, overnight parking, partying, policing, garbage and stormwater runoff.
3. letter from Barb Zenkovich of 21 Mill Street asking if other sites and/or a smaller parking lot have been considered? Her concerns included traffic, noise, lighting, garbage, fencing/setbacks, landscaping and the removal of green space. She is opposed to the project.

Jack Kramer of Rockwell Avenue asked if the applicant has a full stormwater plan? Do you have the resources for maintenance of the leach field?

Caleb Henning explained how the infiltration plan works. The pipe can be jetted out if necessary.

Mr. Kramer stated that a better project for the Village and neighborhood would be a lot with less than 128 spaces. Ingress and egress should be limited in April and May when parking is not needed and the gate closed. Will a new site plan be provided if the plan is changed?

Bill Coolidge of Rockwell Avenue expressed concern that the Village is already at capacity with the number of people the shops and restaurants can accommodate. Where are 128 more people going to go to get restaurant or bar service? Is parking on Mill, Martha and Monroe Streets being removed? The Village cannot maintain the existing roads and sidewalks. How will it maintain an additional parking lot? How will people know if the lot is full? Vehicles driving in and out to find a space will increase traffic on Mill Street. The site is in the flood plain. Can you build in a high risk zone?

Caleb Henning advised that since no structure is proposed on site a study showing that there is no negative impact to the floodplain is not necessary. There will be ponding on the lot. A floodplain permit will be applied for. Five soil boring samples were taken on site. The plan meets the criteria for a 100 year flood.

Bill Coolidge asked how are you treating run off?

Mr. Henning said the grass swale will remove certain pollutants. The infiltration system will be designed to NYSDEC practices so it should be approved and a general permit will be issued.

MOTION: Moved by Greg Cappelli to close the public hearing for VZP-2023-039, 23 Mill Street, Village of Ellicottville, Special Use Permit and Site Plan Review of proposed municipal parking lot. Seconded by Sean Cornelius. Vote 4-0. Carried.

DISCUSSION: Nancy Rogan presented VZP-2022-227, 1-5 E. Washington Street, Ellicott Development, Special Use Permit and Site Plan review of proposed change in use of existing commercial space to indoor entertainment/bar/restaurant for Ratchet Hatchet for discussion. She noted the applicant has agreed to construct a fence between the commercial and residential properties. Another concern is the hours of operation.

Jeremy Wassel said the hours will be Thursday 5-10, Friday 5-12, Saturday 12-12 and Sunday 12-8 which are the same as at their previous location.

Greg Cappelli suggested that the deck use be limited to certain days for overflow and closed by 10 pm.

Lisa Hunt asked if the lighting will trespass onto neighboring property as it does now?

Jeremy Wassel said the lighting will change to meet the zoning and "dark sky" compliance. There will be gooseneck lights over the entrances and wall lights with shields on the building.

Nancy Rogan referred to the fence which will be board on board wood.

Mr. Wassel said it will be light resistant and 6 feet high. We can add shrubbery to mitigate sound and light trespass.

A resident of E. Washington Street referred to the noise at the dumpster at the rear which gets emptied in the early morning hours and asked about deliveries?

Jeremy Wassel said they will look at having deliveries and dumpster pickup during normal business hours.

MOTION: Moved by Sheila Burrell that the application meets the definition of a Type 2 Action under SEQR Part 617.5(c)(18) involving the change in use of space within a commercial structure containing mixed commercial uses. No further review under SEQR is required. Seconded by Chad Neal. Vote 4-0. Carried.

MOTION: Moved by Greg Cappelli to grant Special Use Permit and Site Plan approval for proposed change in use of commercial space at 1-5 E. Washington Street for Ratchet Hatchet as per materials submitted in VZP-2022-227 from Ellicott Development with the following conditions:

1. Lighting will be “dark sky” compliant and meet the zoning code for prevention of pollution and spillage on neighboring properties.
2. The deck will be 2 feet above grade.
3. The hours of operation will be as previously approved and comply with the noise ordinance. The deck will close at 10pm
4. A 6 foot high board on board wood fence will be installed along the property line with shrubbery.
5. All traffic will use the driveway on the Ellicott Development property. Signage will be provided to direct traffic.
6. Live music will comply with the noise ordinance.

Seconded by Chad Neal. Vote 4-0. Carried.

DISCUSSION: Nancy Rogan presented VZP-2023-039, 23 Mill Street, Village of Ellicottville, Special Use Permit and Site Plan review of proposed municipal parking lot for discussion. She noted that a parking lot in the commercial district is an allowed use. It appears that drainage is provided to meet NYSDEC standards. Lighting meets the “dark sky” compliance with no spillage or trespass onto neighboring properties.

Mrs. Rogan asked, will the fence be wood or vinyl?

Caleb Henning asked that both be approved as they are having problems getting bids from vinyl fence installers for a commercial project.

Nancy Rogan stated that vinyl will require less maintenance.

Mr. Hennig noted that if wood or vinyl only one material will be used. The fencing will not be mixed materials.

Nancy Rogan said the Board needs to look long term and suggested that wood be approved. If you can offer vinyl in the future, you will have to come back to the Planning Board for approval to a change in the fencing.

Nancy Rogan asked about landscaping?

Mr. Hennig said there will be mostly trees with some boulders between the parking lot at 16 Martha Street and this lot.

Nancy Rogan asked if the lot can be decreased in size?

Doug Bush advised that this is a one time project which we will not be able to add to at a later date. Whether we do 50 or 100 spaces the cost is the same and it will cost more to add on later.

Nancy Rogan referred to the traffic issue on the Mill Street entrance. Is there an alternative access from Martha Street?

Doug Bush said no. Martha Street only has room for a walkway.

Caleb Henning noted that a 2019 traffic study of Mill Street showed 1400 vehicles per day. He does not see 128 vehicles leaving at the same time

Nancy Rogan referred to the setbacks.

Caleb Henning advised that the fence along Rockwell Avenue and Mill Street will be 10 feet off the property lines giving property owners more distance from the project.

Nancy Rogan asked if the charging stations will be installed now or in the future?

Caleb Henning said there will be 2 charging stations now.

Sean Cornelius asked if the stations will be charge point status?

Mr. Henning said we will contract with a third party open service with fee based stations during hours of operation. They will be turned off when the lot is closed.

Sean Cornelius asked will there be more stations later?

Doug Bush said yes if there is a need. The electric service being installed at construction will accommodate more stations.

Chad Neal noted there is no way to see if the lot is full.

Doug Bush said if it becomes an issue we will address it perhaps with a gate. No overnight parking, campers, commercial vehicles, food trucks or tailgating will be allowed.

Greg Keyser advised that Mill Street is a County Road and the Cattaraugus County Planning Board reviewed the project and recommended that it be approved without conditions.

Sean Cornelius stated that other streets in the Village have parking issues. The proposed fenced lot appears to mitigate some of the issues.

Greg Keyser advised that a Short EAF was provided showing the mitigation of environmental impacts. Following review of the document the Board can act on SEQR with a Negative or Positive Declaration.

MOTION: Moved by Greg Cappelli that based on its review of the Short Environmental Assessment Form the Planning Board makes a determination of nonsignificance documenting that the proposed project will not result in any significant adverse impacts and issues a Negative Declaration under SEQR. Seconded by Sheila Burrell. Vote 4-0. Carried.

MOTION: Moved by Sean Cornelius grant Special Use Permit and Site Plan approval of the proposed municipal parking lot at 23 Mill Street as submitted in the application materials in VZP-2023-039 by the Village of Ellicottville. Seconded by Greg Cappelli. Vote 4-0. Carried.

The Minutes of the April 11, 2023 meeting were read.

MOTION: Moved by Sean Cornelius to approve the Minutes of April 11, 2023 as read. Seconded by Chad Neal. Vote 4-0. Carried.

DISCUSSION: Nancy Rogan presented VZP-2021-133, 18 Elizabeth Street, Rick DeSimone, amendment to the Site Plan for discussion.

Greg Keyser presented his staff report: On October 12, 2021 the Planning Board granted Site Plan and Architectural Design approval to construct single family dwelling on an undeveloped lot. The approvals expire (1) one year from the date of approval if a building permit has not been issued. Site Plan Approval expired on October 12, 2022 and the applicant did not submit a building permit until March 2023. The approval was granted with a condition that stipulates the application be referred to the Planning Board for further Architectural Design Review if the first floor is elevated to meet local floodplain development regulations and changes are proposed to the exterior elevation plans. The first floor was subsequently raised to satisfy a base flood elevation which caused the height of the building to be increased approximately 3 feet 6 inches for a height of 18 feet 9 inches.

Under Section 6.10 and Section 10.17, the Planning Board may grant an extension for both Site Plan and Architectural Design approvals if the applicant is able to demonstrate a legitimate need to delay the start of construction. If the Planning Board feels the extension is justified, the approval may be extended up to one year from the date that the original approval expired. The Planning Board should review the changes and determine whether they are minimal or substantial. If minimal, the Board may reaffirm the original Architectural Design Approval.

MOTION: Moved by Sheila Burrell to grant an extension to the Site Pan until October 12, 2023 as per materials submitted in the amendment to VZP-2021-133, by Rick DeSimone for the single family dwelling at 18 Elizabeth Street. Seconded by Chad Neal. Vote 4-0. Carried.

MOTION: Moved by Sean Cornelius that the changes to the Architectural Design are minimal and to grant Architectural Design approval for the height increase of the single family dwelling at 18 Elizabeth Street as submitted in amended materials in VZP-2021-133 with the condition that the siding will come down over the foundation as in the original plan. No short term rental is allowed. Seconded by Greg Cappelli. Vote 4-0. Carried.

DISCUSSION: Nancy Rogan presented VPZ-2022-138, 11 Parkside Drive, Robert and Beth Stephens, site plan amendment to a new single family dwelling.

Aaron Tiller, representing the applicants, advised that at the time of the Site Plan and Architectural Design approvals it was noted that the applicants were planning to acquire the adjoining lot. They have now done so and are proposing to amend the site plan to accommodate a realignment of the driveway. An easement is in place for the Ellicottville/Great Valley Trail.

Greg Keyser advised that the Planning Board needs to determine if the lot line adjustment is a minor subdivision, a minor subdivision with issues or a major subdivision.

MOTION: Moved by Chad Neal that the adjustment of the lot line as a minor subdivision amendment to the Site Plan for the single family residence at 11 Parkside Drive as materials submitted by Robert and Beth Stephens in VZP-2-022-138. Seconded by Sheila Burrell. Vote 4-0. Carried.

MOTION: Moved by Sean Cornelius to approve the Site Plan amendment to realign the driveway at 11 Parkside Drive as per materials submitted in VZP-2022-138 by Robert and Beth Stephens. Seconded by Greg Cappelli. Vote 4-0. Carried.

DISCUSSION: Nancy Rogan presented VZP-2022-230, 29 Elizabeth Street, Jeff & Mindy Hayes, Architectural Design review of a one story addition.

Greg Keyser noted that on February 7, 2023 the Zoning Board of Appeals granted a variance for the expansion of a non-conforming building allowing the height of the existing roof to be raised 1'4". The applicant reconsidered his project and proposed a change in the roof height to 3 feet which was granted on April 4, 2023.

Jeff Hayes presented the proposed plans for the one story addition at the rear of the house which increases the total square footage to 722 s.f. The raised roof allows the second floor ceiling to be 7 feet 6 inches in height. New aluminum windows will be installed in the whole house and the siding will be a blue-gray hardie board. This is a more uniform design.

MOTION: Moved by Chad Neal to grant Architectural Design approval of the proposed one story addition and exterior renovations to the existing non-conforming building at 29 Elizabeth Street as submitted in materials in VZ-2022-230 by Jeff and Mindy Hayes. Seconded by Sheila Burrell. Vote 4-0. Carried.

DISCUSSION: Nancy Rogan presented VZP-2023-126, 16 Martha Street, Daniel Saunders, Sign Permit appreciation for a ground/pole sign.

Greg Keyser advised that this is an application for a 3'6" by 2'10" rectangular sign to be hung from 2 posts with a cross piece approximately 9 feet above the ground. Rope lighting is proposed and the applicant is providing a sample of the lighting. A drawing was submitted and the sign meets the zoning requirements.

Daniel Saunders presented a sample of the rope style lighting which will be inside the cross piece at the top of the posts and shine down on the sign.

MOTION: Moved by Chad Neal to approve the 3'6" x 2'10" rectangular sign to be hung approximately 9 feet above the ground with recessed lighting in the cross bar at 16 Martha Street as submitted in materials in VZP-2023-126 by Daniel Saunders. Seconded by Sean Cornelius. Vote 4-0. Carried.

DISCUSSION: Nancy Rogan presented VZP-2023-138, 18 Washington Street, Tammy Bess, Sign Permit application for a new hanging sign.

Greg Keyer advised that the proposed sign for Old West Company is a 46" x 28" hexagon made of wood and will be hung 9 feet above ground in front of the door. Existing lighting will shine down on the sign. A drawing was submitted and the sign meets the zoning requirements.

MOTION: Moved by Greg Cappelli to approve the 46" x 28" wood hexagon sign for Old West Company at 18 Washington Street to be hung 9 feet above the ground in front of the door with lighting to shine down on the sign as submitted in VZP-2023-138 by Tamara Bess. Seconded by Chad Neal. Vote 4-0. Carried.

DISCUSSION: Nancy Rogan presented VZP-2023-158, 16 Mechanic Street, Jennifer Courtney and Bill Stoll, Architectural Design review of proposed alterations to an accessory building.

Chad Neal advised that he lives in the accessory building and will recuse himself from voting on this application.

Aaron Tiller, representing the applicants advised that the existing accessory building has 2 apartments. The applicants recently purchased the property and are proposing to remove the first floor apartment and turn it back into a garage. The existing first floor windows and doors will be removed and replaced with 2 garage style doors and a man door.

MOTION: Moved by Sheila Burrell to grant Architectural Design approval for proposed exterior changes to the existing accessory structure at 16 Mechanic Street to convert it from an apartment to garage space as presented in materials submitted in VZP-2-023-158 by Jennifer Courtney and Bill Stoll. Seconded by Sean Cornelius. Roll call vote: Sheila Burrell-yes, Sean Cornelius-yes, Greg Cappelli-yes. Carried.

MOTION: Moved by Sheila Burrell to adjourn at 7:20 p.m. Seconded by Chad Neal. Vote 4-0. Carried.

Submitted by: Donna Baldwin, Secretary

