

**VILLAGE OF ELLICOTTVILLE
ELLICOTTVILLE, NY
PLANNING BOARD MEETING MINUTES
MAY 21, 2024**

PRESENT: Nancy Rogan, Chairperson
Gregory Cappelli, Member
Chad Neal, Member
Blair Hamilton, Alternate Member

ALSO PRESENT: Gregory Keyser-Village Planner, Bo Sunshine-Ellicottville Bake Shop,
Lisa Hunt-11 E. Washington Street

AGENDA: VZP-2024-022 - 5 Washington Street, Ellicottville Bake Shop
Special Use Permit amendment-Outdoor Patio

DISCUSSION: Nancy Rogan, Chairperson called the meeting to order at 4:30 p.m. with four members present and opened the public hearing for VZP-2024-022, 5 Washington Street, Ellicottville Bake Shop, Special Use permit amendment for an outdoor patio.

Greg Keyser presented the application for an amendment to the Special Use Permit to allow the installation of an approximately 25 foot by 12 foot concrete patio to be used for outdoor dining by patrons. The concrete pad will be 4 inches deep.

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

Greg Keyser advised that the public hearing notice was published in accordance with local law.

Mr. Keyser presented the email from LIsa Hunt of 11 E. Washington Street expressing concern that the Bakery had agreed to accept deliveries through the front of their building, not the back of the plaza when their special use permit was granted. They regularly, in very early morning hours , have deliveries in the back of the plaza. The noise of the idling and backing up trucks is very disturbing. The graphic in her public hearing notice was not clear and she could not determine where the patio is proposed.

Bo Sunshine asked if the early morning deliveries are to the Bakery or to Ratchet Hatchet? He agreed to check with the bakery staff to make sure the deliveries are being made at the front entrance. He noted that perhaps the products are hand-trucked to the rear door.

Greg Keyser said he will also investigate the deliveries to make sure the condition of approval is met.

Nancy Rogan noted that the condition of approval that deliveries be made to the front entrance was to keep the neighborhood quiet for the adjoining property owners.

MOTION: Moved by Chad Neal to close the public hearing for VZP-2-024-022, 5 Washington Street, Ellicottville Bake Shop, Special Use Permit amendment to allow the construction of a patio for outdoor dining. Seconded by Greg Cappelli. Vote 3-0. Carried.

DISCUSSION: Nancy Rogan opened the regular meeting and presented the agenda for changes, additions or approval. She noted discussion of an issue under other business. The agenda was approved as amended.

The Minutes of the April 2, 2024 Work Session were read.

MOTION: Moved by Chad Neal to approve the Minutes of the April 2, 2024 Work Session as read. Seconded by Blair Hamilton. Vote 3-0. Carried.

The Minutes of the April 9, 2024 Planning Board Meeting were read.

MOTION: Moved by Chad Neal to approve the April 9, 2024 Planning Board Meeting as read. Seconded by Blair Hamilton. Vote 3-0. Carried.

DISCUSSION: Nancy Rogan presented VZP-2024-022, 5 Washington Street, Ellicottville Bake Shop, Special Use Permit amendment to allow outdoor dining.

Bo Sunshine presented a rendering showing the patio with tables, chairs and landscaping including 4 pots with plantings.

Greg Keyer advised that the present use (bakery) is allowed in accordance with a Special Use Permit that was granted by the Planning Board on February 14, 2023. An amendment to the Special Use Permit is required to allow outdoor dining. The project is exempt from Cattaraugus County Planning Board referral. The project meets the definition of a Type 1 action under 6175(c)(9) involving the expansion of non-residential structure/facility by less than 4,000 square feet. No further SEQR review if required.

Mr. Keyser recommended that the Planning Board classify the project as a Type 2 action and grant the amendment to the Special Use Permit.

Nancy Rogan suggested that conditions of approval be implementation of the landscaping plan per the rendering presented and that the patio be maintained (clean and in good repair).

MOTION: Moved by Greg Cappelli to grant the amendment to the Special Use Permit to allow outdoor dining on a 25 foot by 12 foot concrete patio at 5 Washington Street as presented in materials submitted in VZP-2024-022 by Corey Hogan/Ellicottville Bake Shop with conditions:

1. The landscaping plan including planting in pots will be implemented.
2. The concrete patio will be maintained (clean and surface repaired).

Seconded by Blair Hamilton. Vote 3-0. Carried.

Greg Keyser said he will check with Kelly Fredrickson to make sure a building permit is not required and will prepare a notice of decision for the applicant.

DISCUSSION: Nancy Rogan noted that there is concern with the dumpster enclosure at the rear of the Mexican restaurant.

Greg Keyser said the restaurant owner contacted Kelly Fredrickson-CEO about the dumpster. Mr. Fredrickson said that there was a dumpster on site previously and approved the new dumpster. He will check to make sure it is up to code.

DISCUSSION: Nancy Rogan asked about reinstating floor area ratio (FAR) into the zoning code. It was intended to prevent mega houses. What is the process to put it back in the zoning.

Greg Keyser said he will discuss the issue with Richard Stanton, Village Attorney.

Greg Cappelli said it was removed because of problems including the way FAR was calculated. Attached garages are included but detached garages are not.

Greg Keyser said that as the Village Planner I should be the only one calculating FAR. If an applicant disagrees he/she can apply to the ZBA for an interpretation of the zoning.

DISCUSSION: Greg Keyser noted that he has not received any applications so there may not be a meeting in June.

MOTION: Moved by Chad Neal to adjourn at 5:00 p.m. Seconded by Blair Hamilton. Vote 3-0. Carried.

Submitted by: Donna Baldwin, Secretary