

**VILLAGE OF ELLICOTTVILLE  
PLANNING BOARD MEETING MINUTES  
OCTOBER 10, 2023**

**PRESENT:** Nancy Rogan, Chairperson  
Sheila Burrell, Member  
Chad Neal, Member  
Damon Newpher, Member  
Gregory Cappelli, Alternate Member

**ALSO PRESENT:** Gregory Keyser-Village Planner, Kelly Fredrickson-CEO,  
Aaron Tiller-Architect, Tom & Muffett George-Applicants,  
Tracy Rivers

**AGENDA: VZP-2023-290 - 74 Elizabeth Street- Tom & Muffett George**  
Site Plan & Architectural Design Review  
New Single-family residence  
Public Hearing October 10, 2023

**VZP-2023-276 - 5 E. Washington Street-Ellicottville Bake Shop**  
Sign Permit Application-New wall sign

**VZP-2023-293 - 13 Monroe Street - 3 Sprouts Children Boutique**  
Sign Permit Application- New projecting sign

**VZP-2023-248 - 41 Washington Street - Scott Croce**  
Site Plan & Architectural Design Review  
New Multi-dwelling Building

**VZP-2023-298 - 16 Fillmore Avenue-Jamel & Josie Perkins**  
Site Plan & Architectural Design Review  
New Single-family residence with accessory apartment

**Draft Zoning Update for cannabis**

**DISCUSSION:** Nancy Rogan, Chairperson called the meeting to order at 5:30 p.m. and opened the public hearing for VZP-2023-290, 74 Elizabeth Street, Tom & Muffett George, Site Plan and Architectural Design Review of a new 3,262 square foot single-family residence with an attached garage.

She asked for questions or comments from the people attending?

Greg Keyser said that no written or verbal comments were received in response to the public hearing notice which was published in accordance with local law.

Greg Cappelli asked where does the Village Board stand on the alleyway at the rear of the property? There is a circular driveway that cuts across the alleyway with a pile of dirt at the end. The alleyway is owned by the Village but they are not responsible for maintenance. Elaine Northrup had worked out a plan with the neighbor to make the alleyway accessible to her property. However she will not be building her house. The Village Board needs to address the issue.

Nancy Rogan asked can the Village remove the dirt or does the homeowner need to do it?

Greg Keyser said that if the homeowner does not move the dirt, perhaps the Village can do so and charge him for the cost. I will reach out to the property owner on moving the dirt and also to the Village Board at the meeting next week.

**MOTION:** Moved by Sheila Burrell to close the public hearing for VZP-2023-290, 74 Elizabeth Street, Tom & Muffett George, Site Plan and Architectural Design Review of new Single-family dwelling. Seconded by Greg Cappelli. Vote 4-0. Carried.

**DISCUSSION:** Nancy Rogan opened the regular meeting with five members present. She presented the agenda for changes, additions or approval and noted that under Other Business she wants to discuss signage. The agenda was approved as changed.

The Minutes of the September 5, 2023 Work Session were read.

Greg Keyser referred to the discussion on 10-12 McKinley Drive, noting that the neighbors are opposed to the duplex units claiming that the originally approved project was for single-family homes and the deed restrictions do not allow duplex units. A neighbor contacted him stating that his complaint was the improper decision made based on past Planning Board practices and the minutes were incorrect.

Mr. Keyser noted that the minutes reflect what he said at the meeting.

**MOTION:** Moved by Chad Neal to approve the Minutes of the September 5, 2023 Work Session as read. Seconded by Damon Newpher. Vote 4-0. Carried.

The Minutes of the September 12, 2023 Planning Board Meeting were read.

**MOTION:** Moved by Sheila Burrell to approve the Minutes of the September 12, 2023 Planning Board Meeting as read. Seconded by Damon Newpher. Vote 4-0. Carried.

**DISCUSSION:** Nancy Rogan presented VZP-2023-290, 74 Elizabeth Street, Tom & Muffett George, Site Plan and Architectural Design Review of a new Single-family dwelling.

She asked is the Site Plan for the House only?

Tom George said for both the house and the barn. However the barn is not being built at this time. The Architectural Design Review is for the house only which will have double hung windows, horizontal siding and asphalt shingles on the roof.

Greg Keyser advised that the Site Plan approval can include the footprint for the barn.

The project meets the definition of a Type 2 Action under SEQR 617.5(c)(9) involving the construction of a single-family house. No further review is required. The Planning Board should classify the project as a Type 2 Action before acting on the Site Plan and Architectural Design Review. A section 239 Referral to Cattaraugus County Planning Board will not be required because the project is exempt from referral under Exhibit A, Item 11 of the Referral Exemptions Agreement with Cattaraugus County.

**MOTION:** Moved by Greg Keyser to classify the project as a Type 2 Action under SEQR 617.5(c)(9) involving the construction of a single-family house. No further review is required. Seconded by Chad Neal. Vote 4-0. Carried.

**MOTION:** Moved by Chad Neal to grant Site Plan approval including the footprint for the accessory building (barn) and landscaping plan and Architectural Design Design approval for the single-family dwelling at 74 Elizabeth Street as presented in materials in VZP-2023-290 from Tom and Muffett George. Seconded by Sheila Burrell. Vote 4-0. Carried.

**DISCUSSION:** Nancy Rogan presented VZP-2023-276, 5 E. Washington Street, Ellicottville Bake Shop, sign permit application for a wall sign.

Greg Keyser advised that the application is for a new rectangular sign approximately 92 inches by 40 inches (24 square feet) and will be installed 13 feet above the main entrance. The sign is before the Planning Board because it has more than (3) three colors and does not meet the criteria for only one sign face for each structure to which fastened is permitted. This is a multi-tenant commercial building with multiple signs already in place for other businesses. At the work session the applicant advised that the acrylic sign is white with the black as a cut out and they are only printing 2 colors green and beige. A drawing was submitted.

Signs are considered a Type 2 SEQR Action under 617.5(c)(12). No further review is required. The Planning Board should classify the project as a Type 2 Action before acting on the sign permit application

**MOTION:** Moved by Greg Cappelli to classify the proposed wall sign as a Type 2 Action under SEQR 617.5(c)(12). No further action is required. Seconded by Chad Neal. Vote 4-0. Carried.

**MOTION:** Moved by Greg Cappelli to grant sign permit approval for a new rectangular 92 inch by 40 inch (24 square foot) acrylic wall sign at 5. E. Washington Street, for Ellicottville Bake Shop as presented in materials in VZP-2023-376 by Josh Szary. Seconded by Damon Newpher. Vote 4-0. Carried.

**DISCUSSION:** Nancy Rogan presented VZP-2023-293, 13 Monroe Street, 3 Sprouts Children Boutique, Sydnie Beattie sign permit application for a new projecting sign. Greg Keyser advised that the rectangular wooden protecting sign is approximately 36 inches by 20 inches (5 Square feet) and will be hung over the main entrance approximately 9 feet above the ground. The sidewalk is approximately 5 feet wide and there is enough space for the sign to meet offsets from the building and curb line. He recommended that a condition be placed on the final approval stipulating the offsets be met upon final inspection. The sign meets the criteria in Section 12-9-E and a drawing was submitted.

Signs are considered a Type 2 SEQR Action under 617.5(c)(12). No further review is required. The Planning Board should classify the project as a Type 2 Action before acting on the sign permit application.

**MOTION:** Moved by Damon Newpher to classify the proposed sign as a Type 2 Action under SEQR 617.5(c)(12). No further review is required. Seconded by Chad Neal. Vote 4-0. Carried.

**MOTION:** Moved by Greg Cappelli to grant sign permit approval for the proposed 36 inch by 20 inch (5 square foot) rectangular wooden projecting sign at 13 Monroe Street, 3 Sprouts Children Boutique as submitted in material in VZP-2023-293 by Sydnie Beattie with the condition that the sign meets the offsets from the building and curb line at final inspection by the Code Enforcement Officer. Vote 4-0. Carried.

**DISCUSSION:** Nancy Rogan presente VZP-2023-249, 41 Washington Street, Scott Croce, Special Use Permit and Site Plan review of mixed use building.

Aaron Tiller, representing the application advised that the 8,870 square foot building will have commercial space and one apartment on the first floor with 2 apartments on the second floor and 2 apartments on the loft floor. He presented new drawings with landscape changes requested by Peter Kreinheder along the property line for a buffer. The dumpster site has been moved from the rear of the property closer to the building and will be on a concrete pad enclosed by a vinyl fence.

Nancy Rogan noted that there is an issue in the Village as people leave their garbage in or outside business dumpsters if they are not secured.

Greg Keyser suggested that the enclosure be locked or that the pickup schedule be adjusted so that there will not be overflowing trash.

Mr. Tiller said that locking the enclosure would create problems for workers and the garbage company at pickup.

Mr. Keyser said a condition could be that the owner has to maintain the property around the private dumpster and schedule timely pickup of garbage.

Nancy Rogan said we need to address garbage left on the street.

Greg Keyser said this is a valid concern for the Planning Board.

Kelly Fredrickson said he calls the owners when there is a problem.

Aaron Tiller said they can adjust the pickup schedule and also install cameras.

Mr. Cappelli noted that you need to make sure the structure will hold up long term.

Aaron Tiller presented the details on the aluminum light poles that will be on a concrete base. The lights will shine downward for low impact and are dark sky compliant.

Nancy Rogan asked about the parking plan?

Greg Keyser said the parking lot provides (15) 9 foot by 18 foot spaces with a 24 foot wide drive aisle. The minimum 10% area for snow storage/removal is provided. The Planning Board should determine if each space is usable and readily accessible and if there is enough space for refuse vehicles to maneuver without inhibiting traffic or other designated parking areas.

Mr. Keyser asked if the applicant is considering landscaping along the parking lot?

Aaron Tiller said they are providing a natural buffer with the existing vegetation.

Nancy Rogan asked what is the status of permits needed from NYSDEC for stream disturbance and NYSDOT for water service connection?

Aaron Tiller presented a letter from Tim Lavocot who mapped the Floodplain area in Ellicottville, advising that the placement of fill in a flood hazard area will not create the potential to reduce the natural capacity of the floodplain to store floodwaters and will not cause higher peak flows and increased downstream flooding.

He noted that they will hook up to the municipal sewer and water system.

Greg Keyser said he will initiate contact with SHPO for a consultation on impacts to archaeological resources before the November meeting.

Greg Keyser advised that Richard Stanton, Village Attorney, is working on how to handle the two lots involved, either by combining or by a lot line adjustment.

Nancy Rogan noted that in the past the Planning Board has granted a lot line adjustment.

Mr. Keyser stated that he will provide the EAF Parts 2 and 3 for the Planning Board to review at the November meeting. If the Planning Board feels it has enough information for a meaningful public review a public hearing can be set for the November meeting.

**MOTION:** Moved by Greg Cappelli to set a public hearing for VZP-2023-249, 41 Washington Street, Scott Croce Site Plan and Special Use Permit review to allow the construction of a mixed use building for November 14, 2023 at 5:30 p.m. Seconded by Sheila Burrell. Vote 4-0. Carried.

**DISCUSSION:** Nancy Rogan presented VZP-2023-298, 16 Fillmore Avenue, Jamel & Josie Perkins, Site Plan and Architectural Design Review and Special Use Permit application for a new single-family residence with accessory apartment. .

Aaron Tiller presented the Site Plan and the Elevation drawings for the proposed 3,913 square foot single-family house with an accessory apartment above the 2-car garage. The project is on an 14,875 square foot approved building lot in the Colton Corners Subdivision. The building materials include shingles for the roof, hardie board siding, double-hung windows with some casement windows in the rear elevation.

Nancy Rogan asked how high is the house?

Mr. Tiller said 22 feet, 2 stories.

Mr. Keyser advised that a Short EAF has been provided. Construction of a single-family house with an accessory apartment is a Type 2 Action under SEQR 617.5(c)(1). No further Review is required. The Planning Board should classify the project as a Type 2 Action before acting on approvals for the Site Plan, Architectural Design and Special Use Permit.

Referral to the Cattaraugus County Planning Board is not required because the project is exempt under Exhibit A item 11 of the Referral Exemptions Agreement with Cattaraugus County.

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

**MOTION:** Moved by Sheila Burrell to set a public hearing for VZP-2023-298, 16 Filmore Avenue, Jamel & Josie Perkins, Site Plan, Architectural Design and Special Use Permit review for November 14, 2023 at 5:30 p.m. Seconded by Damon Newpher. Vote 4-0. Carried.

**DISCUSSION:** Nancy Rogan asked about the status of the flashing sign at 12 Gate Brewing and the lighted open sign and streamers at the new Mexican restaurant?

Kelly Fredrickson said when he stopped at 12 Gates Brewing the sign was lit but not flashing and he was not able to speak to the owner.

Greg Keyser said that he needs the daughter present to interpret at the Mexican restaurant as the owner does not speak English. He will continue to contact them.

**DISCUSSION:** Nancy Rogan presented the draft Local Law to allow the establishment of cannabis uses in locations and manners consistent with the zoning and land use goals of the Village of Ellicottville. She noted that Doug Bush, Village Board member who was on the committee to write the law reviewed it with the Planning Board and answered questions at the October 3, 2023 Work Session.

Greg Keyser advised that the Village Board is looking for a recommendation from the Planning Board on adopting a Local Law with regard to Cannabis.

**MOTION:** Moved by Damon Newpher that the Planning Board recommends that the Village Board adopt the proposed draft Local Law with regard to cannabis. Seconded by Chad Neal. Vote 4-0. Carried.

**MOTION:** Moved by Chad Neal to adjourn at 6:10 p.m. Seconded by Sheila Burrell. Vote 4-0. Carried.

Submitted by Donna Baldwin, Secretary