

**VILLAGE OF ELLICOTTVILLE  
PLANNING BOARD MEETING MINUTES  
MARCH 14, 2023**

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

**ALSO PRESENT:** Gregory Keyser-Village Planner, Kelly Frerickson-COE, Caleb Henning-MDA Consulting Engineers, Kirkland Kaleta-MDA Consulting Engineers  
Jeremy Wassel-Ellicott Development, Nathan Woodruff-Ratchet-Hatchet

**AGENDA: VZP-2022-227- 1-5 Washington Street, Ellicott Development**  
Review Concept Plan- New Bar/Restaurant

**VZP-2023-039- Mill Street Parking Lot-Village of Ellicottville**  
New Public Parking Lot  
Special Use Permit, Site Plan Review

**DISCUSSION:** Nancy Rogan, Chairperson called the meeting to order at 5:30 p.m. with a quorum present and presented the agenda which was approved as submitted.

The Minutes of the February 7, 2023 work session were read.

**MOTION:** Moved by Chad Neal to approve the February 7, 2023 Work Session Meeting Minutes as read. Seconded by Sheila Burrell. Vote 4-0. Carried.

The Minutes of the February 14, 2023 meeting were read.

**MOTION:** Moved by Chad Neal to approve the Minutes of February 14, 2023 as read. Seconded by Damon Newpher. Vote 4-0. Carried.

**DISCUSSION:** Nancy Rogan presented VZP-2022-227, 1-5 Washington Street, Ellicott Development, Special Use Permit and Architectural Design Review to allow the build-out of approximately 2,479 square feet in a portion of an existing commercial retail building for an indoor entertainment use with bar/food service as an accessory use.

Greg Keyser advised that Ellicott Development is proposing a new shared driveway with 7 East. Washington Street to access the rear. Ellicott Development is purchasing the 7 East

Washington Street property and has applied to the Village Board for a change in zoning from residential to commercial

Nancy Rogan noted that per discussion with Mr. Keyser and Mayor John Burrell this is the best option for the applicant. The Village Board is asking for a recommendation from the Planning Board with regard to the rezoning.

Greg Cappelli asked, will allowing the rezoning set a precedent for changing other Village Residential properties to Commercial? How do we make sure it doesn't happen on other properties?

Mr. Keyser stated that the applicant has to have a valid reason to change the zoning. 7 E. Washington Street borders the commercial district with commercial business around it including the Cattaraugus IDA office, Tops Market, and Kwik Fill.

Mrs. Rogan noted that the building at 1-5 Washington Street was a manufacturing facility for many years, even before the zoning was adopted, with the owner living in the house at the front of the property. It seems feasible to change the property designation.

Mr. Cappelli noted that it makes sense for this property, but will other property owners ask "Why can't I."

Nancy Rogan asked to discuss the parking at the rear.

Chad Neal asked if there will be parking along the property line?

Nancy Rogan said parking on the property line will be for the occupants of the house.

Jeremy Wassel noted that Ellicott Development also owns the 9 E. Washington Street property.

Mr. Keyser advised that there is a shared driveway between 9 and 11 E. Washington Street.

Greg Cappelli asked will you expand that driveway also?

Jeremy Wassel said it will remain as it is.

**MOTION:** Moved by Sheila Burrell that the Planning Board recommends to the Village Board that the property at 7 E. Washington Street be rezoned from Village Residential to Village Commercial. Seconded by Damon Newpher. Vote 4-0. Carried.

Greg Keyser advised that the Village Board meets next week and could set a public hearing for their April meeting. A referral from the Cattaraugus County Planning Board will be required.

Jeremy Wassel asked can the Planning Board set a public hearing for May, contingent upon the approval of the rezoning by the Village Board?

Nancy Rogan said she is not comfortable setting a public hearing at this time, but suggested that a public hearing could be set at the May 2 work session if we make it an official meeting, for the May 9 meeting which would give the required 5 day notice.

**MOTION:** Moved by Chad Neal to make the May 2, 2023 work session an official meeting in order to set a public hearing for VZP-2022-227, 1-5 Washington Street, Special Use Permit application. Seconded by Sheila Burrell. Vote 4-0. Carried.

**DISCUSSION:** Nancy Rogan presented VZP-2023-03, Mill Street Municipal parking lot, Special Use Permit and Site Plan review.

Caleb Henning, MDA Consulting Engineers, representing the Village, presented the Site Plan for 126 parking spaces and 5 handicap spaces on a 1.16 acre lot on Mill Street. The access will be from Mill Street with a pedestrian walkway to Martha Street. Fencing, lighting and drainage will be installed to meet standards. He presented more information on the infiltration system and advised that he will have the lighting plan and electrical information for the next meeting. An application is before the Village Zoning Board of Appeals for front, side and rear lot line setback variances.

Greg Keysr noted that the ZBA reviewed the application at their March 7, 2023 meeting and set a public hearing for April 4, 2023. The process is underway.

Greg Cappelli asked could we have a special meeting at the end of April to set a public hearing for the May 9, 2023 meeting? The Planning Board discussed the possibility of having a quorum for a date late in April and holding a meeting. Mr. Keyser agreed to contact Board Members regarding a date and set up the special meeting.

Greg Cappelli noted that the proposed fencing around the parking lot is wood because of costs. He suggested that Mr. Henning does a cost analysis of other materials such as vinyl, chain link with slats or other options. Wood will deteriorate after 10 years.

Caleb Henning agreed to look at other options and do a cost analysis of two different fences for the bid.

Mr. Keyser advised that there will be several applications to be reviewed at the May meeting.

**MOTION:** Moved by Greg Cappelli to adjourn at 6:00 p.m. Seconded by Damon Newpher. Vote 4-0. Carried.

Submitted by Donna Baldwin, Secretary