

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

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

**ALSO PRESENT:** Gregory Keyser-Village Planner, Kelly Fredrickson-CEO, Caleb Hennig- MDA Consulting Engineers, Michael Anderson- Abstract Architect, Nathan Woodruff-Hatchet Ratchet, Jeremy Wassel- Ellicott Development, Bill Paladino-Ellicottville Development Terry Hunt, Lisa Hunt

**AGENDA: VZP-2022-072- 13 Elizabeth Street– Lisa Feinberg-Duckett**  
Site Plan & Architectural Design Review  
New Single family dwelling  
Public Hearing 1/10/2023

**VZP-2022-240- 12 Filmore Avenue- Greg Navagh**  
Site Plan & Architectural Design Review  
New Single family dwelling  
Public Hearing 1/10/2023

**VZP-2022-227- 1-5 Washington Street- Ellicott Development**  
Special Use Permit, Site Plan & Architectural Design  
Review of New Entertainment/Bar Establishment

**VZP-2022-229- 1-5 Washington Street- Ellicott Development**  
Special Use Permit- New Bakery/Restaurant Business

**VZP-2022-249- 1-5 Washington Street- Ellicott Development**  
Special Use Permit- New Professional Law Office

**DISCUSSION:** Nancy Rogan, Chairperson called the meeting to order at 5:30 p.m. and opened the public hearing for VZP-2022-240, 12 Fillmore Avenue- Greg Navagh, Site Plan and Architectural Design Review of proposed new single family dwelling. She asked for questions or comments from the people attending.

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

Caleb Henning, representing the applicant stated that the site plan and elevation drawings for the proposed 2,788 s.f. single family house has not changed since the December meeting.

**MOTION:** Moved by Sheila Burrell to close the public hearing for VZP-2022-240, 12 Fillmore Avenue, Greg Navagh, Site Plan and Architectural Design review of a new single family house. Seconded by Damon Newpher. Vote 4-0. Carried.

**DISCUSSION:** Nancy Rogan opened the public hearing for VZP-2022-072, 13 Elizabeth Street, Lisa Feinberg-Ducket, Site Plan and Architectural Design Review of proposed new single family dwelling. She referred to the plans reviewed at the December meeting reflecting the changes to the windows and the width of the driveway.

Mrs. Rogan asked for questions or comments from the people attending. Greg Keyser stated that no verbal or written comments were received in response to the public hearing notice.

Michael Anderson, representing the applicant said there are no changes to the plans dated December 12, 2022. The 2,608 s.f. Single-family house has double hung windows. Grading will bring the site 2 feet above the floodplain and the driveway has been changed as requested. An accessory apartment is no longer proposed.

**MOTION:** Moved by Damon Newpher to close the public hearing for VZP-2022-072, 13 Elizabeth Street, Lisa Feinberg-Duckett, Site Plan and Architectural Design Review of proposed new single family house. Seconded by Chad Neal. Vote 4-0. Carried.

**DISCUSSION:** Nancy Rogan opened the regular meeting with five members present. She presented the agenda for changes, additions or approval. The agenda was approved as submitted.

The Minutes of the December 13, 2022 meeting were read.

**MOTION:** Moved by Sheila Burrell to approve the Minutes of December 13, 2022 as read. Seconded by Chad Neal. Vote 4-0. Carried.

**DISCUSSION:** Nancy Rogan presented VZP-2022-072, 13 Elizabeth Street, Lisa Feinberg-Duckett, Site Plan and Architectural Design Review of new single family residence.

Greg Keyser advised that the Planning Board should classify the project as a Type 2 Action under SEQR Part 617.5(c)(11) involving the construction of a single-family residence on an approved building lot. He offered conditions of approval for the Board to consider.

**MOTION:** Moved by Chad Neal to classify the project as a Type 2 Action under SEQR Part 617.5(c)(11) involving the construction of a single-family residence on an approved building

lot. No further review under SEQR is required. Seconded by Sheila Burrell. Vote 4-0. Carried.

**MOTION:** Moved by Damon Newpher to grant Site Plan and Architectural Design Review approval of a new single-family residence at 13 Elizabeth Street, as reviewed in materials submitted in VZP-2022-072 from Lisa Feinberg-Duckett, dated December 12, 2022, with the following conditions:

1. Any construction activity or land disturbance, including site grading and site preparation work, shall avoid impacting current water and sewer utility easement areas.
2. Confirmation that a trail easement with the Ellicottville-Great Valley Trail is on file or has been recorded with the property, shall be provided prior to the issuance of a Certificate of Occupancy.
3. Construction and associated land development is subject to a Floodplain Development Permit from the Village of Ellicottville Building Department.

Seconded by Sheila Burrell. Roll call vote: Greg Cappelli-yes, Chad Neal-yes, Damon Newpher-yes. Sheila Burrell-yes. Carried.

**DISCUSSION:** Nancy Rogan presented VZP-2022-240, 12 Fillmore Avenue, Greg Navagh, Site Plan and Architectural Design review of new single-family residence.

Caleb Henning, representing the applicant, advised that the casement window in the upstairs bathroom is 2' x 3' with mullions. The landscaping plan includes a rain garden and the driveway is 22 feet wide at the front of the garage but is 15 feet wide at the curb cut as requested.

Greg Keyser advised that the Planning Board should classify the project as a Type 2 Action under SEQR Part 617.5(c)(11) involving the construction of a single family residence on an approved building lot. He offered a condition of approval for the Board to consider.

**MOTION:** Moved by Greg Cappelli to classify the project involving the construction of a single family residence on an approved building lot as a Type 2 Action under SEQR Part 617.5(c)(11). No further review under SEQR is required. Seconded by Chad Neal. Vote 4-0. Carried.

**MOTION:** Moved by Sheila Burrell to grant Site Plan and Architectural Design Review approval of a new single-family residence at 12 Fillmore Avenue, as presented in materials in VZP-2022-240, from Greg Navagh with the following condition:

1. Construction and associated land development is subject to a Floodplain Development Permit from the Village of Ellicottville Building Department.

Seconded by Damon Newpher. Roll call vote: Sheila Burrell-yes, Greg Cappelli-yes, Chad Neal-yes, Damon Newpher-yes. Carried.

**DISCUSSION:** Nancy Rogan presented VZP-2022-227, VZP-2022-229, and VZP-2022-249, 1-5 Washington Street, Ellicott Development, change in use of commercial spaces.

Greg Keyser suggested that Jeremy Wassel of Ellicott Development present the building plans for all three applications. Then the Board can address each one individually.

Mr. Wassel advised that the property is a multi-tenant retail plaza involving various uses currently allowed as permitted or special permitted uses under the Village Zoning Code. They have been trying to find tenants for the building that compliment the Village business district. Tenants share the 75 parking spaces as the occupants have different business hours. He presented a site plan of the building.

We are proposing to build-out approximately 2,479 square feet in the portion of the retail building closest to E. Washington Street for Ratchet Hatchet in the VC-1 district. Ratchet Hatchet will operate as a bar/restaurant offering indoor axe throwing, a dining area with bar top and table side seating with cafe style service. The axe throwing area will be located in the rear portion of the leased space containing four throwing bays with wall mounted targets. The hours of operation are Thursday 5 pm-10 pm, Friday 12 pm-12 am, Saturday 12 pm - 12 am, Sunday 11 am- 8 pm. Wall signage on the north elevation is also proposed.

We are proposing to install new windows, new doorways, new gooseneck light fixtures and a new 5' x 107' deck along the north and east elevations of the rear portion of the building. We are also proposing to widen our existing driveway at 9 E. Washington Street to 20' wide in order for fire truck access to the rear portion of the building.

The second application is for permission to build-out approximately 2,403 square feet in the portion of the retail building closest to E. Washington Street for HoganWillig PLLC (law firm) in the VC-1 district. We are proposing to add an angled gooseneck light above their entrance and proposed wall sign. Hours of operation are 8 am - 5 pm, Monday through Friday.

The third application is a proposal to build-out 2,201 square feet in the portion of the retail building closest to E. Washington Street for a Retail Bakery in the VC-1 district. The bakery expects to produce artisanal loaves of bread and pastries daily for purchase. Drinks such as coffee are also expected to be part of the menu. Carry-out is expected to be a majority of their business, but there will be some tables. The hours of operation are 7 am - 4 pm, Monday through Sunday.

We are proposing to install 1 door on the east elevation for a rear entrance and 1 angle gooseneck light above the main bakery entrance and a wall sign is proposed. The bakery is asking for the rear door for deliveries so that customers will not be affected by the delivery traffic.

Jeremy Wassel presented plans for parking. We have a drive aisle and will install a gate for Private use only. We will install a 6 foot high fence along the property line to 11 East

Washington Street.

**DISCUSSION:** Greg Cappelli asked will there be loading and unloading at the rear of the building? Can a truck get back there?

Jeremy Wassel said there will only be box trucks and no semi trucks.

Nancy Rogan asked so no commercial traffic, only tenants?

Damon Newpher asked what is the width of the access driveway with curb cut?

Mr. Wassel said 11-12 feet wide. We need a 24 foot wide drive aisle for emergency vehicles.

Nancy Rogan noted that a 24 foot wide drive aisle is not allowed in the Village Residential District. The commercial requirements are not allowed in the residential district. We need to protect the residential district.

Greg Keyser said that New York State Fire Code requires at 20 foot wide access for emergency vehicles.

Kelly Fredrickson said that using a residential driveway with a gate will cause a problem if cars are parked in the driveway.

Nancy Rogan asked can you run the access driveway at the creek side of the building?

Jeremy Wassel said no, it is too narrow and NYSDEC may not allow it because it would be too close to the creek.

Greg Keyser advised that they need access to the rear of the building.

Bill Paladino said we can look at modifying the parking.

Nancy Rogan asked, does the floodplain issue still apply to the building that applied to the proposal for the apartment?

Jeremy Wassel said the apartment required the floor to be raised 8 to 10 feet. The commercial use requirement is lower.

Greg Keyser noted that the deck at the rear and the privacy fence between properties limits space. The applicant has to provide enough parking for all of the uses in the building. Access is the issue. An agreement will have to be made with the property owners of 9 and 11 E. Washington for driveway access.

Nancy Rogan said our job is to protect the Village Residential District. We need to look at all districts.

Mr. Keyser noted that the Planning Board is not in favor of commercial driveways in the Village Residential District.

Nancy Rogan said we cannot allow commercial use on residential property.

Mr. Terry Hunt of 11 E. Washington Street said we already have a traffic issue in our driveway. The garbage truck uses it to get to the dumpster.

Mr. Paladino said he was not aware of the issue. We are willing to address the issue and put up a fence.

Kelly Fredrickson advised that it was clearly indicated that an agreement was made between the owners of 9 and 11 E. Washington Street when the building was renovated.

Nancy Rogan asked if we can move ahead on the applications for the bakery and law firm?  
Mr. Keyser said yes.

Mrs. Rogan asked about the signage for the law firm and the bakery?  
Jeremy Wassel said each sign is 4'x8' (32 s.f.) and will be illuminated with a gooseneck light that shines down on it.

Greg Cappelli asked if the rear entrance for the bakery meets code?  
Mr. Wassel said yes.

Damon Newpher asked is the deck for Ratchet Hatchet only?  
Mr. Wassel said yes.

Nathan Woodruff, owner of Ratchet Hatchet stated that he had to vacate his location on Washington Street without much notice. His business has been closed for 4 months and he wants to get relocated and running again.

Nancy Rogan noted that the issue is meeting the zoning regulations. Will the patio only be open in the good weather?

Mr. Woodruff said yes and we will monitor the deck activity. There will be lighting with shields that only shines on the deck. Lighting will not spill out into the neighboring property.

Greg Cappelli asked what is the deck height?  
Mr. Wassel said 2 to 3 feet off the ground.

Bill Paladino advised that he will work with the owner of 7 E. Washington's Street to see if he is willing to accommodate the 24 foot wide driveway on his property. We could leave the curb cut at 15 feet. We will also look at the possibility of access on the creek side of the building.

**DISCUSSION:** Nancy Rogan presented VZP-2022-249, 1-5 E. Washington Street, Ellicott Development, Special Use Permit for a retail bakery with food service as an accessory use in the existing commercial retail building.

Mr. Keyser advised that the project meets the definition of a Type 2 Action under SEQR Part 617.5(c)(18) involving the change of use of space within a commercial structure containing mixed commercial uses. No further review under SEQR is required. The Planning Board should classify the project as a Type 2 Action before acting on the application.

The project is exempt from Cattaraugus County Planning Board review.

If the Planning Board feels the application is complete a public hearing can be set for the February meeting.

**MOTION:** Moved by Chad Neal to set a public hearing for VZP-2022-249, 1-5 E. Washington Street, Ellicott Development, Special Use Permit for a retail bakery with food service as an accessory use for February 14, 2023 at 5:30 p.m. Seconded by Damon Newpher. Vote 4-0. Carried.

**DISCUSSION:** Nancy Rogan presented VZP-2022-229, 1-5 E. Washington Street, Ellicott Development, Special Use Permit for a professional office use ( HoganWillig law firm) in an existing commercial retail building.

Greg Keyser advised that the project meets the definition of a Type 2 Action under SEQR Part 617.5(c)(18) involving the change of use of space within a commercial structure containing mixed commercial uses. No further under SEQR is required. The Planning Board should classify the project as a Type office use (law2 Action before acting on the application. The project is exempt from review by the Cattaraugus County Planning Board. If the Planning Board fees the application is complete a public hearing can be set for the February meeting.

**MOTION:** Moved by Sheila Burrell to set a public hearing for VZP-2022-229, 1-5 E. Washington Street, Ellicott Development, Special Use Permit for a professional office use (law firm Hogan Willig) for February 14, 2023 at 5:30 p.m. Seconded by Damon Newpher. Vote 4-0. Carried.

**DISCUSSION:** Nancy Rogan presented VZP-2022-227, 1-5 E. Washington Street, Ellicott Development, Special Use Permit and Architectural Design Review for Ratchet Hatchet to allow indoor entertainment use with bar/food service as an accessory use. She noted that due to the site plan issues with the access driveway and parking the applicant needs to provide more information and we should table the application.

**MOTION:** Moved by Chad Neal to table VZP-2022-227, 1-5 E. Washington Street, Ellicott Development, Special Use Permit and Architectural Review for Ratchet Hatchet to allow indoor entertainment use bar/food service as an accessory use pending receipt of more information from the applicant. Seconded by Damon Newpher. Vote 4-0. Carried.

**MOTION:** Moved by Damon Newpher to adjourn at 6:35 p.m. Seconded by Chad Neal. Vote 4-0. Carried.

Submitted by: Donna Baldwin, Secretary