

**VILLAGE OF ELLICOTTVILLE
PLANNING BOARD WORK SESSION MINUTES
OCTOBER 3, 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, Doug Bush-Village Board, Blair Hamilton,
Sydnie Beattie-Applicant, Bo Szary-Applicant

Nancy Rogan, Chairperson called the meeting to order at 4:30 p.m. with five members present and presented the Agenda for the October 10, 2023 meeting.

DISCUSSION: Nancy Rogan presented VZP-2023-290, 74 Elizabeth Street, Tom George, Site Plan and Architectural Design Review for a new single-family residence.

Greg Keyser advised that no changes have been made to the plan since the last review. A public hearing is set for October 10, 2023. He received one verbal comment from a neighbor with a concern about the front of the house. Once the neighbor reviewed the elevation drawings the concern was alleviated.

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 Planning Board tabled the sign permit application at the September meeting as the sign has more than three (3) colors, therefore not meeting the sign regulations. However the Planning Board has the authority to approve a sign with more than three colors.

Bo Szary, Applicant advised that the layered acrylic sign does not have more than three colors as they are not printing the white or black colors only the green and tan. Board members agreed to the colors after clarifying the white and black layers of the sign. They can act on the application on October 10, 2023.

DISCUSSION: Nancy Rogan presented VZP-2023-293, 13 Monroe Street, Sydnie Beattie, 3 Sprouts Children Boutique sign permit application for a projecting sign.

Greg Keyser advised that the rectangular sign is approximately 36" x 20" (5 square feet) and will be hung over the main entrance approximately 9 feet above the ground. A picture of the a sign and logo are provided. He noted that he needs to confirm the weight of the sign.

Sydney Beattie said the 2-sided wood sign weighs about 30 pounds with brackets. No lighting is proposed.

Greg Cappelli asked, will the location of the sign affect other businesses on Monroe Street? Mr. Keyser said no, the sign is 36 inches by 20 inches.

Sydney Beattie asked, how do I get my name and logo on the sign on the corner of Monroe and Washington Streets?

Kelly Fredrickson said he can help her with that project.

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

Aaron Tiller, representing the applicant presented the Site Plan and Elevation drawings for a 1,973 sf commercial space and a 550 sf apartment on the first floor. The second and loft floors each have 2 apartments in 2,564 sf of area. The height of the building has been lowered by a foot to 31.7 feet. Recessed lighting in the ceiling of the decks and 3 gooseneck lights along the side of the building are proposed. Three aluminum light poles in concrete bases are proposed for the parking lot. Lighting will be cast down and be night sky compliant. There will be 3 lights along the walkway.

Mr. Keyser said that a lighting plan will need to be provided to verify spillage onto neighboring properties.

Nancy Rogan asked what is the situation with Peter Kreinheder and the easement?

Aaron Tiller said he is in agreement with the easement and the details are being worked out.

Sheila Burrell noted that the deed should reflect the easement.

Greg Keyser said that a condition of approval can be that an easement agreement is on file.

Aaron Tiller presented the landscaping plan showing the grasses, shrubs and flowers to be planted.

Greg Keyser asked if the dumpster will be enclosed?

Aaron Tiller said yes a dumpster enclosure is proposed.

Nancy Rogan asked if it could be covered so as not to be visible from the upper floors of the building?

Greg Keyser asked, is there enough space for refuse vehicles to maneuver without inhibiting traffic or other designated parking areas?

Mr. Tiller said yes.

Greg Cappelli noted that the enclosure should be chain link fence with wood filler as wood enclosures fall apart in a few years. The dumpster should be on a concrete pad and the area around it maintained.

Aaron Tiller said we always put the dumpster on a concrete pad.

Nancy Rogan asked about the floodplain issues?

Greg Keyser said that 2 feet of fill is proposed which creates an environmental concern. An analysis needs to be provided to demonstrate it doesn't impact upstream or downstream.

Nancy Rogan said she was surprised at the drop in elevation at the rear of the property. We need an engineer at Barton & Loguidice to review the plans and provide insight to the Planning Board before any action is taken.

Nancy Rogan asked about snow removal and storage space? You cannot plow snow into the creek.

Aaron Tiller said they can pile it on the edge of the creek and as it melts it will run into the creek.

Damon Newpher noted that the grass along the creek bank will filter the runoff so that salt and chemicals will not run into the water.

Mr. Cappelli asked how much green area is along the creek?

Aaron Tiller said there is a 10 foot wide grass area.

Greg Keyser advised that the Planning Board should classify the project as an Unlisted Action and coordinate the environmental review with interested and involved agencies including NYSDEC, NYSDOT, SHIPO, and Cattaraugus County Planning Board.

Nancy Rogan noted that a public hearing should not be set until SEQR has been completed.

DISCUSSION: Nancy Rogan presented VZP-2023-198, 16 Fillmore Avenue, Jamel & Josie Perkins, Site Plan and Architectural Design of proposed new single-family residence and Special Use Permit for an accessory apartment.

Aaron Tiller presented the Site Plan and Elevation drawings for the proposed 3,913 square foot one-family residence with an accessory apartment above the 2-car garage on a 14,875 square foot lot in the Colton Corners Subdivision. The access to the apartment will be an enclosed stairway off the driveway. Building materials include shingles for the roof, hardie board siding, double hung windows with some casement windows in the rear elevation.

Greg Keyser advised that the plan meets the Site Plan and Architectural Design regulations in the zoning. There is a ditch that will require an easement to allow the Village to maintain it. The Building Department/CEO must approve any development in the Flood Hazard Area. Construction of a single-family house with an accessory apartment is a Type 2 Action under SEQR. The Planning Board should classify the project as a Type 2 Action before acting on the applications.

DISCUSSION: Nancy Rogan noted that at the Village Board meeting concerns were expressed with flashing lights at 12 Gates Brewing and a lighted open sign at the new Mexican restaurant. The Mexican restaurant also has streamers flying which are considered a temporary sign and need to be removed.

Greg Keyser said he will look into the matters.

DISCUSSION: Nancy Rogan presented the draft of a new Local Law for regulating cannabis establishments.

Greg Keyser presented a Buffer Analysis map showing the VC1 and VC2 districts where potentially cannabis establishments may be allowed. The Board reviewed the map noting the 500 foot and 200 foot buffer areas from churches, libraries, schools, parks, public buildings and the residential district.

Doug Bush from the Village Board advised that the Village Board passed a moratorium on cannabis establishments until a Local Law could be passed. This is a good first draft. Municipalities had an opportunity to opt out and not allow cannabis establishments, but if you do so can not change your mind. The committee looked at what is happening in other communities. As the market evolves we want to have a handle on what and where we allow cannabis in our community.

Greg Cappellis said can you control the number of facilities allowed?

Doug Bush said the restricted area will control the numbers. He noted that the NYS Cannabis Control budget is 23 million dollars and only 3 licenses have been issued. The next group of licenses will be issued starting on October 4, 2023. Licenses will probably be issued to locations in bigger cities. Applicants cannot be a dispensary and a grower. A retail store and a consumption site cannot be in the same area.

Nancy Rogan stated that we want the businesses to be run well and be successful. The law should have a renewal process with review after one year. The business will require Special Use Permit approval from the Planning Board.

Doug Bush said we need restrictions and can loosen them up if necessary.

Nancy Rogan asked if any law enforcement officers were part of the committee?

Doug Bush said not, but we did talk to local police about the law.

New York State has passed a law for delivery services for cannabis, but prohibits local municipalities from doing the same.

Greg Cappelli asked how will they control ordering online with delivery?

Doug Bush said there will be a licensing process for that type of business.

Nancy Rogan noted that the product could be obtained from a source that is not reputable.

Doug Bush said you have to buy from a licensed grower. He noted that this is a cash business because cannabis is still illegal under Federal law.

Greg Keyser advised that the Village Board would like a recommendation from the Planning Board to adopt a Local Law on Cannabis. Action can be taken on October 10, 2023.

Nancy Rogan closed the meeting at 6:00 p.m.

Submitted by Donna Baldwin, Secretary

