

hiteVILLAGE OF ELLICOTTVILLE
PIANNING BOARD WORK SESSION MINUTES
FEBRUARY 6, 2024

PRESENT: Nancy Rogan, Chairperson
Gregory Cappelli, Member
Damon Newpher, Member

ALSO PRESENT: Gregory Keyser-Village Planner, Kelly Fredrickson-CEO, Aaron Tiller-Architect, John Dickinson-Applicant, Peter Roe-Applicant, Kathleen Moriarty, Blair Hamilton-Resident

Nancy Rogan, Chairperson opened the meeting at 4:30 p.m. with three members present and presented the agenda for the February 13, 2024 meeting.

DISCUSSION: Nancy Rogan presented VP-2022-081, 23 Parkside Drive, John Dickinson, Architectural Design Review Amendment.

Greg Keyser advised that Mr. Dickinson received Architectural Design approval for a new single family residence with an accessory apartment on August 9, 2022. Upon inspection it was discovered that the structure was not built to the approved plans. Roof lines were changed, stone panels were not installed at the base of the columns located in front of the garage, full stone panel siding was installed around the main entryway, a sign/decorative feature was installed on the front of the building.

John Dicinson advised that he did not put the stone on the posts because he had concerns that vehicles would hit and damage the stone. He will put the stone up as per the approved plan. He stated that the roofers suggested the trusses because they would be faster to install instead of the stick built roof. He did not realize this would change the height of the roof which now has a 16 foot section which is 3 feet higher than the plans. The overall height of the house is 1 foot higher than the original plan. The design/sign element has been removed for the front facade.

Kelly Fredrickson stated that no one noticed that the change to trusses changed the roof line. Mr. Dickinson said he would like to resubmit elevation drawings reflecting the changes for approval.

Greg Keyser said he has asked the applicant to submit revised drawings for the amendment to the approval. He is trying to do the right thing to correct the error.

Nancy Rogan suggested that the Board table this application at the February 13, meeting to the March meeting pending receipt of the revised plans.

DISCUSSION: Nancy Rogan presented VZP-2023-298, 16 Fillmore Drive, Jamel & Josie Perkins, Special Use Permit, Site Plan and Architectural Design Review of proposed single family house with an accessory apartment above the garage.

Greg Keyser advised that the Planning Board tabled the application pending review by Barton & Loguidice and more information with regard to building a house in the floodplain fringe where possible flooding may occur. He presented the email from Keith Ewald of Barton & Loguidice, advising that the Board could move ahead with some type of conditional approval pending review/concurrence of our questions to the applicant's engineer:

Greg Cappelli asked if Barton & Loguidice should provide a letter to be attached to the deed stating that The Village Planning Board has no responsibility with regard to any flooding to the house built in the floodplain fringe.

Greg Keyser said he will check with Richard Stanton, Village Attorney about the Planning Board's responsibility and a covenant to the deed.

DISCUSSION Nancy Rogan presented VZP-2023-370, 37 Washington Street, Peter Kreinheder, Special Use Permit and Site Plan Review of a Boutique Motel.

Greg Keyser presented the application seeking approval for a change of use to allow the establishment of a 2-room boutique motel in an existing vacant building. The building footprint is approximately 1,354 square feet and is on a 12,000 square foot parcel in the VC-1 Zoning District. The proposed use appears to meet the zoning definition of a hotel/motel and motels with fewer than 16 rooms for rent are allowed in the VC-1 District as a Conditional Use. There is no expansion to the footprint. The Planning Board should consider: Can the rooms support full time residents? Can there be a condition for limiting the number of nights rented (1 week, 2 weeks) as a way to mitigate possible short term rentals.

Nancy Rogan noted that if commercial use is proposed on the first floor the second floor could be rented as long term residential.

Aaron Tiller presented the plans for a 30 foot lobby area, kitchen and bathroom on the first floor with two bedrooms and shared bath on the second floor.

Greg Keyser noted that the Board has to be comfortable with the plan. Does it meet the spirit of the motel/hotel concept? The proposal meets the definition of a Type 2 SEQR Action involving the reuse of a commercial structure where the proposed use is permitted as of right or by special use permit. Adequate parking is provided.

The Board should classify the project as a Type 2 SEQR Action before taking action on the application. If the Board feels the application is complete a public hearing can be set for the March meeting.

DISCUSSION: Nancy Rogan presented VZP-2023-382, 41 Mill Street, Vogt Subdivision (Graci/Vogt) Subdivision Amendment.

Greg Keyser advised that Aaron Tiller is representing the property owners of both lots.

Aaron Tiller presented the revised Site Plan and advised that the driveway has been moved to the front of the lots. There is a potential buyer for the second lot who also wants to build a single family residence.

Nancy Rogan asked can the existing duplex be converted to a single-family residence?
Mr. Tiller said yes.

Damon Newpher asked, if the single-family house is approved can it be converted to a duplex?

Aaron Tiller said the amendment to the subdivision approval is to allow single-family residences and it does not appear there will be a request for a duplex unit.

Greg Keyser noted that the proposal to change to single-family lots is a less intense use than the duplex units. The Planning Board will need to determine if the proposed changes are minor or major. He feels the change in the driveway location is a substantial change and the amendment will require a public hearing.

Nancy Rogan asked if a public hearing can be set for the Graci single-family house as we have the plans?

Greg Keyser said yes.

DISCUSSION: Nancy Rogan presented VZP-2024–001, 11-15 Martha Street, Rural Resurgence, a Special Use Permit and Site Plan Review for a retail cannabis establishment.

Greg Keyser presented this application seeking approval for a change of use to allow the establishment of a Cannabis Retail Dispensary. The applicant intends to lease space within an existing building shared with other commercial uses. The building is in the VC-2 District where a Cannabis Retail Dispensary is an allowed use per the recently adopted Cannabis Law. Bike & Bean are closing at the end of month and the applicant is proposing to use that space for the dispensary.

Peter Roe, representing the Rural Resurgence, advised that they plan to use the Bike & Bean space as it is.

Damon Newpher asked, do you have to meet the NY State guidelines?

Mr. Roe said yes, we will have a vault for the cannabis products. They will not be displayed openly.

Greg Cappelli asked, will NY State control access?

Peter Roe said NY State will inspect the space and grant its approval.

Mr. Cappelli asked will there be open access with no barrier at the door?

Mr. Roe said there will be a greeter who will check ID before allowing a customer inside.

Greg Cappelli asked, will the number of customers allowed in the space at one time be limited?

Peter Roe said he did not know if there would be a limit to the number of people allowed inside at one time.

Kelly Fredrickson said that the zoning Code has an occupancy statute which may limit the number of people allowed in the space.

Greg Keyser asked if there will be on site consumption?

Peter Roe said no, NY State is not granting licenses for consumption sites.

Greg Cappelli asked, once you are open can you sell products?

Mr. Roe said the NY State will come in and inspect the site and grant the license.

Nancy Rogan asked if there will be periodic inspections by NY State?

Peter Roe said yes.

Greg Cappelli asked, is the greeter trained?

Mr. Roe said there is a protocol for training similar to that of a bouncer. No under age people are allowed inside even if accompanied by an adult.

Brian Hamilton asked, how will odor from the product be prevented from spreading to the other areas in the building?

Peter Roe said that the product is delivered pre-packaged and there should not be any odor. The existing hood and fan should allow for proper ventilation.

Mr. Roe noted that they are tied to a farm for product, but will not be distributing to other sites.

Damon Newpher stated that EBC brews beer on site but distributes it for sale in stores. Is this the same for cannabis?

Peter Roe said the micro license that will be issued will not allow distribution.

Greg Cappelli asked will you have medical marijuana?

Mr. Roe said no, that requires a different license.

Nancy Rogan noted that approval of the application will be based on meeting NY State license requirements.

Mr. Keyser advised that the project meets the definition of a Type 2 SEQR Action involving the reuse of a commercial structure where the proposed use is permitted as of right or by a special use permit. The Planning Board should classify the project as a Type 2 SEQR Action and can set a public hearing for the March meeting if it feels the application is complete. A hanging sign is proposed which meets the zoning regulations.

Damon Newpher asked if there will be lighting for the sign?

Peter Roe said they may use any existing lighting for the sign.

Greg Cappelli asked what are the hours of operation?

Mr. Roe said the amount of business will dictate the hours, but they will not be open late.

DISCUSSION: Nancy Rogan presented VBP-2024-002, 1 Washington Street, Ellicottville Town Hall, front entrance improvements.

Greg Keyser advised that the application to the Planning Board is for Historic District Review and Architectural Design Review to allow improvements to the main entry of the Town Hall. The applicant is proposing to replace the front entry door with a new frame, door, transom assembly, hardware and lockable steel mailbox slot mounted in the sidelight framing. The existing signage mounted above the entry door will be removed and replaced with a new post-mounted sign in the front lawn area east of the main entry. The brick behind the removed sign will be cleaned, and if necessary re-pointed to match adjacent mortar color and character.

The new entrance is approved by SHPO and the new ground sign can be approved by the CEO. A public hearing is required for the Historic District review.

The project meets the definition of a Type 2 SEQR Action involving maintenance and repair with no substantial changes to the existing building. The Planning Board should classify the project as a Type 2 Action and can set a public hearing for the March meeting if it feels the application is complete.

Nancy Rogan closed the meeting at 5:25 p.m.

Submitted by Donna Baldwin, Secretary