PROPOSED REDEVELOPMENT
of the former *Chautauqua Point Golf Course*
at 5621, 5687, 5695 and 5710 East Lake Road

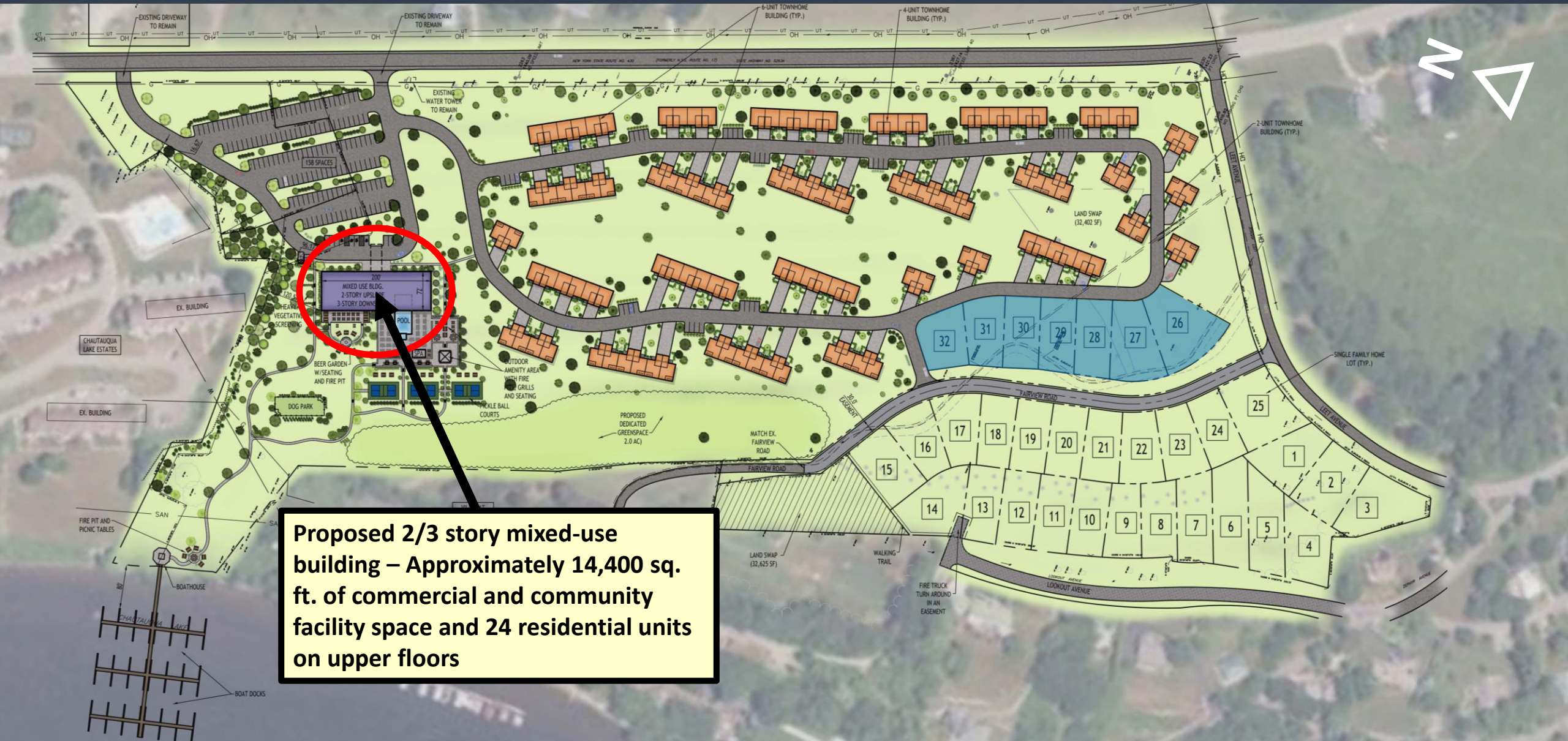
Public Hearing – Town Board
Proposed Zoning Code Amendment
July 9, 2025

ELLICOTT DEVELOPMENT

SUNSET VIEW
A CHAUTAUQUA LAKE COMMUNITY

Project Site Aerial

Concept Site Plan

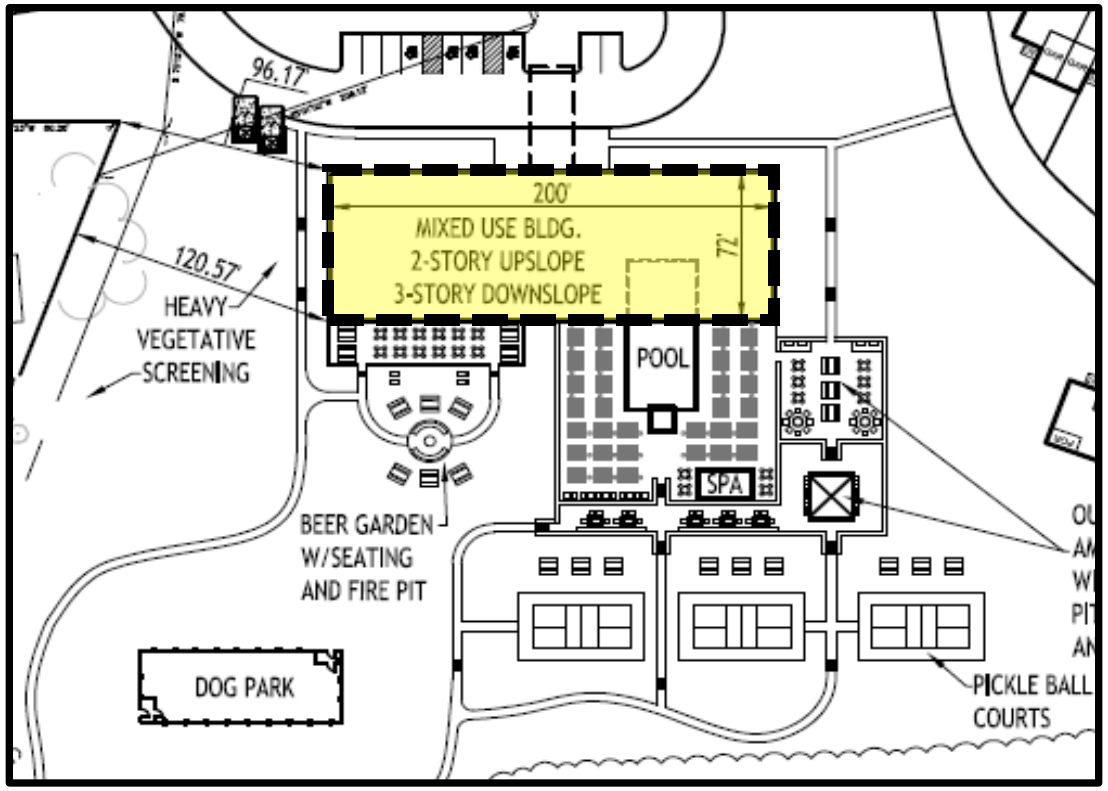


Proposed 2/3 story mixed-use building – Approximately 14,400 sq. ft. of commercial and community facility space and 24 residential units on upper floors

Concept Rendering for Mixed-Use Building

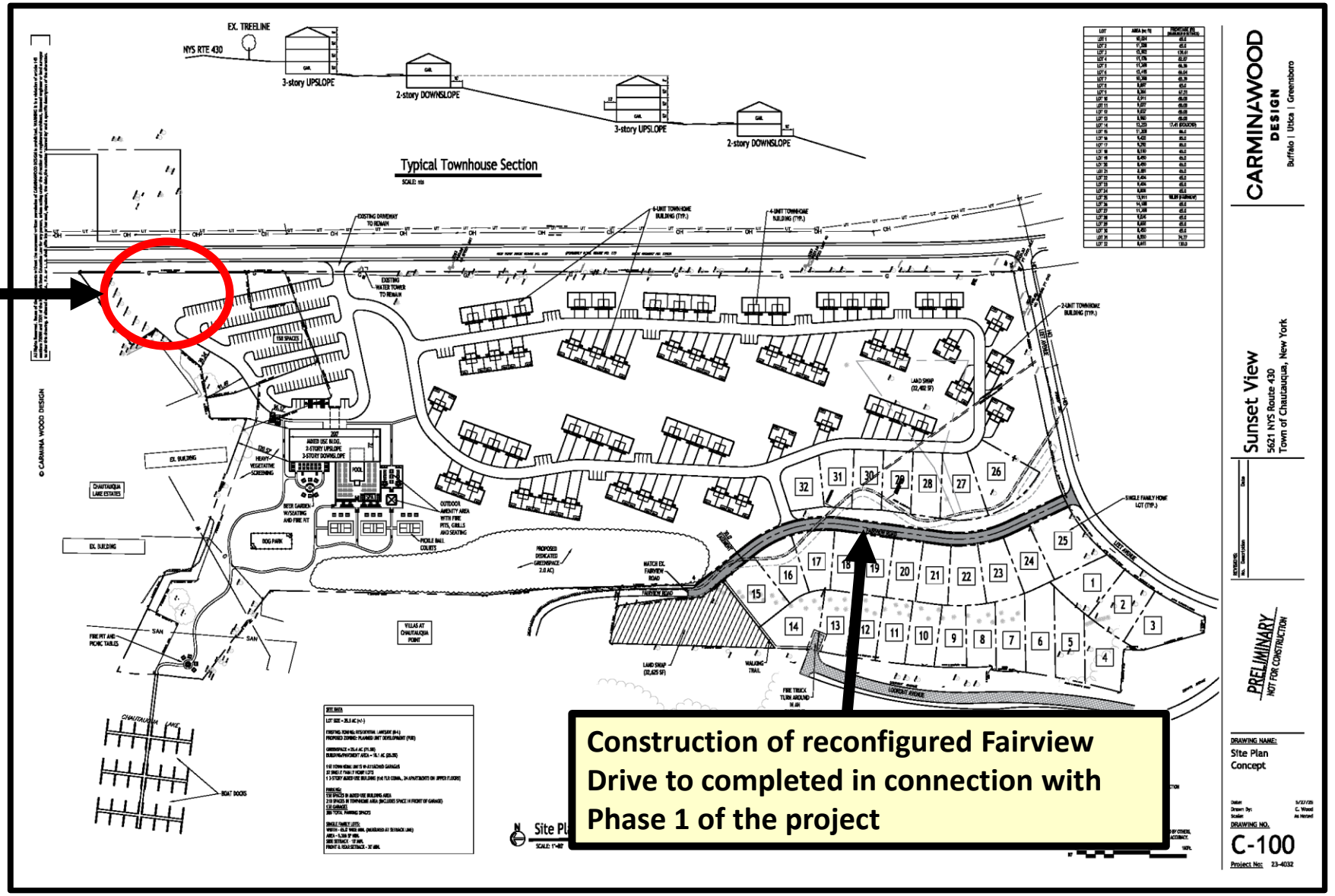
Proposed Zoning Code Amendment

- **Ellicott Development is not requesting that the Town Boad adopt the draft of Local Law No. 2 during its meeting this evening.**
- Amendment to Section 143-21 of the Zoning Code titled "Permitted uses; definitions; standards and application procedure."
- A. Permitted uses in a PUD. Permitted uses in a PUD shall be as follows:
  - (1) Any dwelling use or related structure permitted and as regulated in the R and/or R-L Districts.
  - (2) Any other variety of residential development or residential structure and ancillary land use as approved under this article, notwithstanding the requirements of R and/or R-L Districts that are still in keeping with the overall comprehensive planning of development within the Town as set forth in § 143-2 of this chapter.
  - ***(3) Commercial space including retail uses, restaurants, and office space if such commercial space is located in a mixed-use building that includes upper floor residential units so long as such commercial space does not exceed 15,000 sq. ft. in total. Additionally, the commercial space shall not include any drive-through facilities.***
- Proposed mixed-use building includes 14,400 sq. ft. of potential commercial space [Less than 1% of the Project Site]



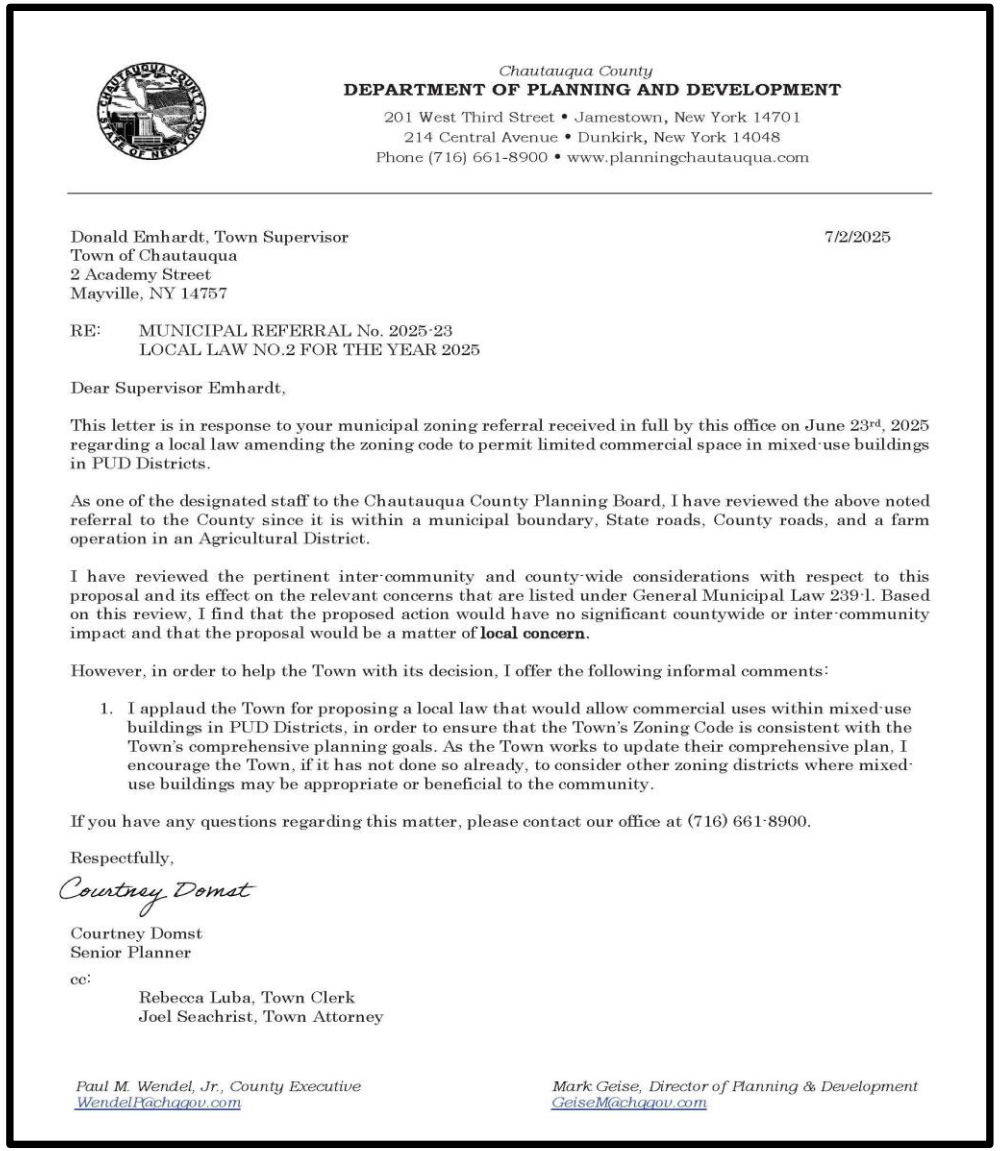
Concept Site Plan [Drawing C-100 – Date: 05/27/25]

Northernmost curb cut onto East Lake Road eliminated in response to NYSDOT comments



Reply Letter from Courtney Domst of the Chautauqua County Dept of Planning and Development dated July 2, 2025

- This letter is in response to your municipal zoning referral received in full by this office on June 23, 2025 regarding a local law amending the zoning code to permit limited commercial space in mixed-use buildings in PUD Districts.
- I have reviewed the pertinent inter-community and county-wide considerations with respect to this proposal and its effect on the relevant concerns that are listed under General Municipal Law 239-l. Based on this review, I find that the proposed action would have no significant countywide or inter-community impact and that the proposal would be a matter of local concern.
- However, in order to help the Town with its decision, I offer the following informal comments: 1. I applaud the Town for proposing a local law that would allow commercial uses within mixed-use buildings in PUD Districts, in order to ensure that the Town's Zoning Code is consistent with the Town's comprehensive planning goals. As the Town works to update their comprehensive plan, I encourage the Town, if it has not done so already, to consider other zoning districts where mixed-use buildings may be appropriate or beneficial to the community.



Chautauqua County
DEPARTMENT OF PLANNING AND DEVELOPMENT
201 West Third Street • Jamestown, New York 14701
214 Central Avenue • Dunkirk, New York 14048
Phone (716) 661-8900 • www.planningchautauqua.com

Donald Emhardt, Town Supervisor
Town of Chautauqua
2 Academy Street
Mayville, NY 14757

7/2/2025

RE: MUNICIPAL REFERRAL No. 2025-23
LOCAL LAW NO.2 FOR THE YEAR 2025

Dear Supervisor Emhardt,

This letter is in response to your municipal zoning referral received in full by this office on June 23rd, 2025 regarding a local law amending the zoning code to permit limited commercial space in mixed-use buildings in PUD Districts.

As one of the designated staff to the Chautauqua County Planning Board, I have reviewed the above noted referral to the County since it is within a municipal boundary, State roads, County roads, and a farm operation in an Agricultural District.

I have reviewed the pertinent inter-community and county-wide considerations with respect to this proposal and its effect on the relevant concerns that are listed under General Municipal Law 239-l. Based on this review, I find that the proposed action would have no significant countywide or inter-community impact and that the proposal would be a matter of **local concern.**

However, in order to help the Town with its decision, I offer the following informal comments:

1. I applaud the Town for proposing a local law that would allow commercial uses within mixed-use buildings in PUD Districts, in order to ensure that the Town's Zoning Code is consistent with the Town's comprehensive planning goals. As the Town works to update their comprehensive plan, I encourage the Town, if it has not done so already, to consider other zoning districts where mixed-use buildings may be appropriate or beneficial to the community.

If you have any questions regarding this matter, please contact our office at (716) 661-8900.

Respectfully,

Courtney Domst

Courtney Domst
Senior Planner

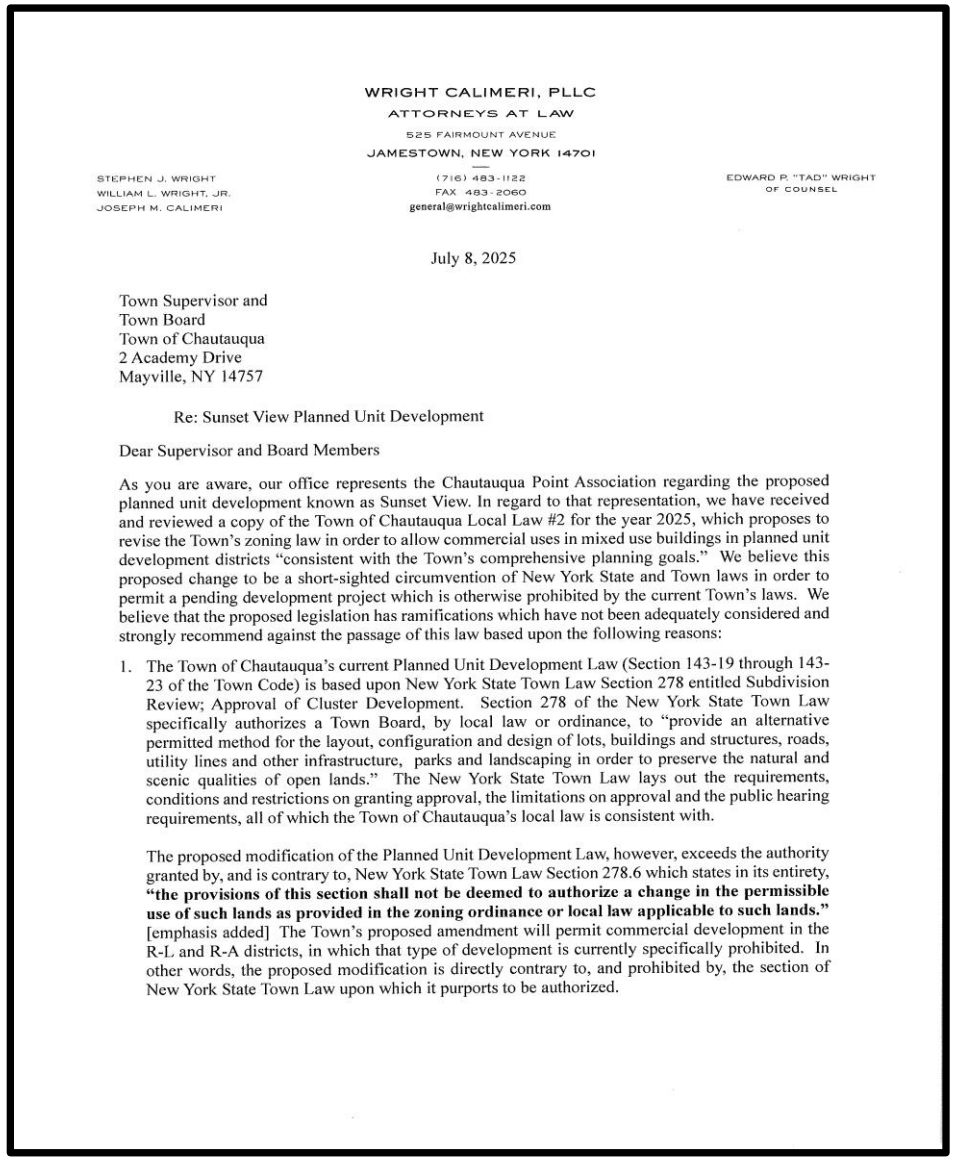
cc:
Rebecca Luba, Town Clerk
Joel Seachrist, Town Attorney

Paul M. Wendel, Jr., County Executive
WendelP@chqgov.com

Mark Geise, Director of Planning & Development
GeiseM@chqgov.com

Letter from William Wright, Esq. on behalf of Chautauqua Point Association dated July 8, 2025

- Project team interested in meeting with representatives of the Chautauqua Point Association in person to discuss proposed Sunset View PUD
- **Comment No. 2**: The adoption of Local Law No. 2 would not represent "a sweeping change in the entire zoning structure within the Town. The proposed revision will allow the Town, at its discretion, to permit commercial uses up to 15,000 square feet in size in the vast majority of all property located within the Town, with the only requirement that it includes a residential secondary unit or units
- **Response**: The requested Zoning Code Amendment would limit commercial space including retail uses, restaurants, and office space if such commercial space to a mixed-use building on PUD property that includes upper floor residential units so long as such commercial space does not exceed 15,000 sq. ft. in total. Additionally, the commercial space shall not include any drive-through facilities. As such, the Zoning Code Amendment does not open the vast majority of property in the Town to mixed-use building with limited commercial space.
- **Comment No 4**: The review of the draft of Local Law No. 2 requires a coordinated environmental review pursuant to SEQRA since it would change the allowable uses of 25 acres or more of PUD zoned land in the Town.
- **Response**: Ellicott Development agrees with this comment and requests that the Town Board adopt a resolution seeking lead agency status pursuant to SEQRA



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EDWARD P. "TAD" WRIGHT
OF COUNSEL

July 8, 2025

Town Supervisor and
Town Board
Town of Chautauqua
2 Academy Drive
Mayville, NY 14757

Re: Sunset View Planned Unit Development

Dear Supervisor and Board Members

As you are aware, our office represents the Chautauqua Point Association regarding the proposed planned unit development known as Sunset View. In regard to that representation, we have received and reviewed a copy of the Town of Chautauqua Local Law #2 for the year 2025, which proposes to revise the Town's zoning law in order to allow commercial uses in mixed use buildings in planned unit development districts "consistent with the Town's comprehensive planning goals." We believe this proposed change to be a short-sighted circumvention of New York State and Town laws in order to permit a pending development project which is otherwise prohibited by the current Town's laws. We believe that the proposed legislation has ramifications which have not been adequately considered and strongly recommend against the passage of this law based upon the following reasons:

1. The Town of Chautauqua's current Planned Unit Development Law (Section 143-19 through 143-23 of the Town Code) is based upon New York State Town Law Section 278 entitled Subdivision Review; Approval of Cluster Development. Section 278 of the New York State Town Law specifically authorizes a Town Board, by local law or ordinance, to "provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks and landscaping in order to preserve the natural and scenic qualities of open lands." The New York State Town Law lays out the requirements, conditions and restrictions on granting approval, the limitations on approval and the public hearing requirements, all of which the Town of Chautauqua's local law is consistent with.

   The proposed modification of the Planned Unit Development Law, however, exceeds the authority granted by, and is contrary to, New York State Town Law Section 278.6 which states in its entirety, **"the provisions of this section shall not be deemed to authorize a change in the permissible use of such lands as provided in the zoning ordinance or local law applicable to such lands."** [emphasis added] The Town's proposed amendment will permit commercial development in the R-L and R-A districts, in which that type of development is currently specifically prohibited. In other words, the proposed modification is directly contrary to, and prohibited by, the section of New York State Town Law upon which it purports to be authorized.

Conclusion

- Request that the Town Board adopt a resolution seeking lead agency status for coordinated environmental review of the draft of Local Law No. 2 pursuant to SEQRA
- Request that the public hearing on the draft of Local Law No. 2 be left open until the Town Board meeting to be held on August 12th
- Referral of the recommendation issued by the Committee on Concept Plan Approval issued on July 1st to the Zoning Board of Appeals
- Request that the Town Board schedule a public hearing on the requested Special Use Permit for the establishment of the Sunset View PUD during its meeting to be held on August 12th