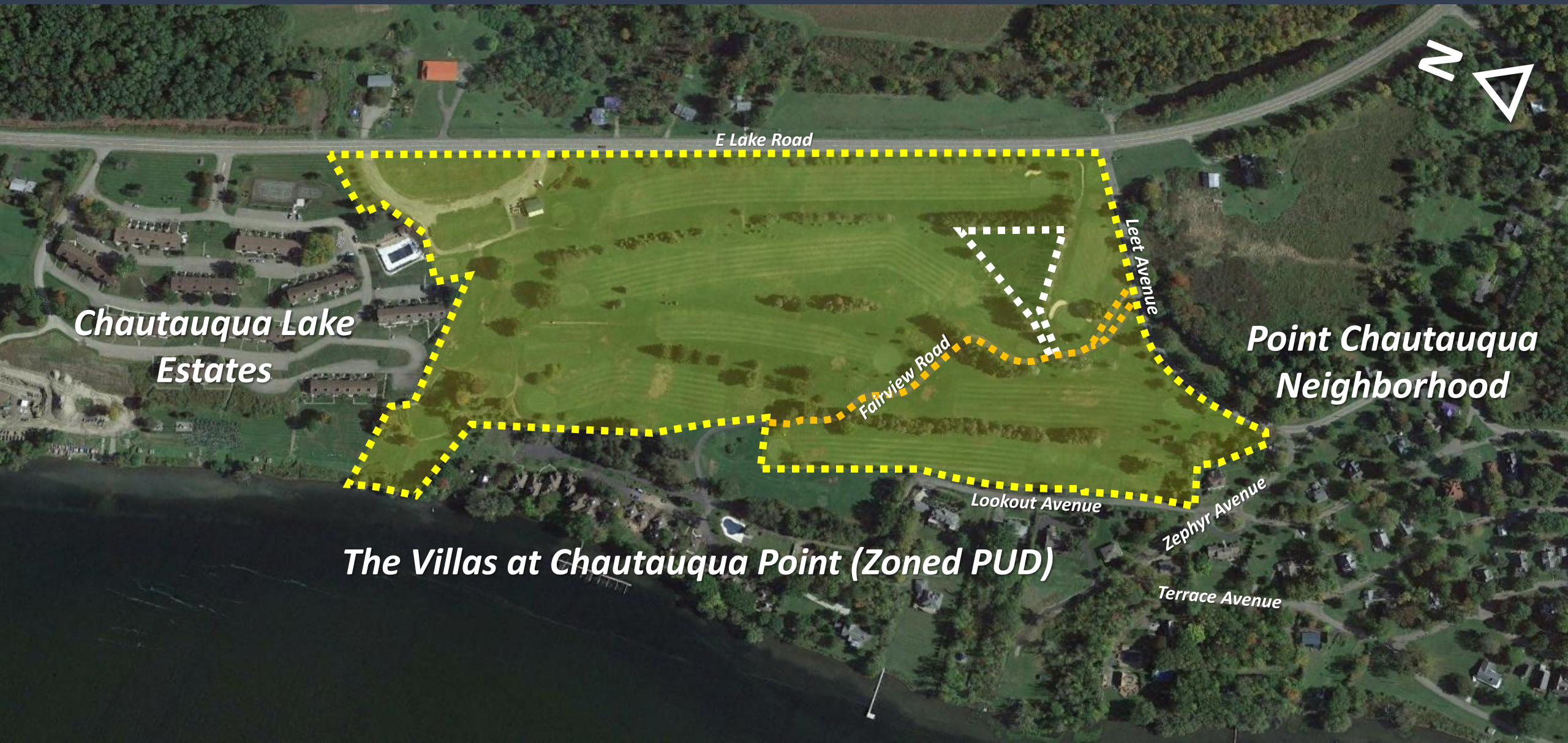
PROPOSED REDEVELOPMENT
of the former *Chautauqua Point Golf Course*
at 5621, 5687, 5695 and 5710 East Lake Road

Sunset View PUD – Area Variance Application
Zoning Board of Appeals Meeting
December 3, 2025

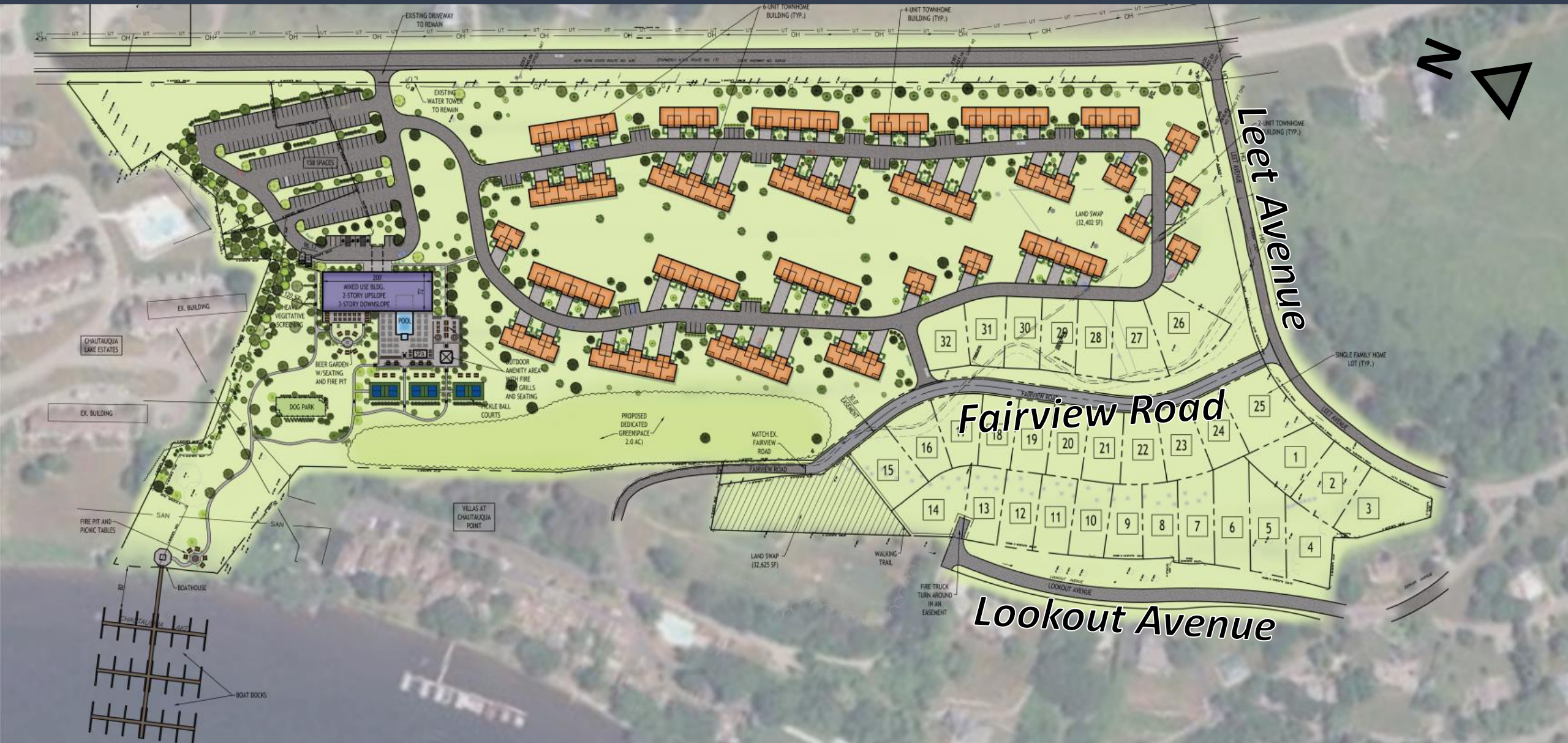
ELLICOTT DEVELOPMENT

SUNSET VIEW
A CHAUTAUQUA LAKE COMMUNITY

Project Site Aerial



Current Site Plan – *174 Res Units*



Recent Project History

- **September 16, 2025**: Zoning Board of Appeals recommend approval of the requested Special Use Permit for establishment of a PUD by the Town Board pursuant to Section 143-22B of the Zoning Code.
- **September 23, 2025**: Virtual meeting held with Point Chautauqua Association Inc. (PCA) Board Members and Joe Calimari, Esq., PCA's legal representative, to review an alternate site plan design offered by the PCA.
- **October 8, 2025**: Town Board public hearing on Special Use Permit for PUD
- **October 21, 2025**: Zoning Board of Appeals tables issuance of an LWRP Consistency Determination to the Town Board given a lack of quorum
- **October 29, 2025**: Email from Joe Calimari, Esq., the legal representative for the Point Chautauqua Association Inc. (PCA), rejecting the alternate plan reducing home lots along Lookout Avenue, which we offered on October 6, 2025.

Recent Project History

- **November 6th and 7th, 2025**: Comprehensive updated submissions to the Joint Application Form for the proposed seasonal boat docks (originally submitted on June 26, 2025) submitted to ACOE, NYSDEC, and NYSOGS.
  - Proposed Seasonal Boat Dock will be consist of a maximum of 40 slips and will be accessible to the public
- **November 12, 2025**: Letter from Tom Fox to the Town detailing the Project Sponsor's opinion that the Project is consistent with the 2025 Final Draft Comprehensive Plan for the Town of Chautauqua and Village of Mayville.
- **November 12, 2025**: Town Board sets a 2nd public hearing for December 10, 2025, on the requested Sunset View Special Use Permit
- **November 18, 2025**: Zoning Board of Appeals issues a positive LWRP Consistency Determination and an Amended Favorable PUD Recommendation to the Town Board
- **November 25, 2025**: Permit denial letters issued by the Town's Code Enforcement Officer.

Summary of Project Modifications

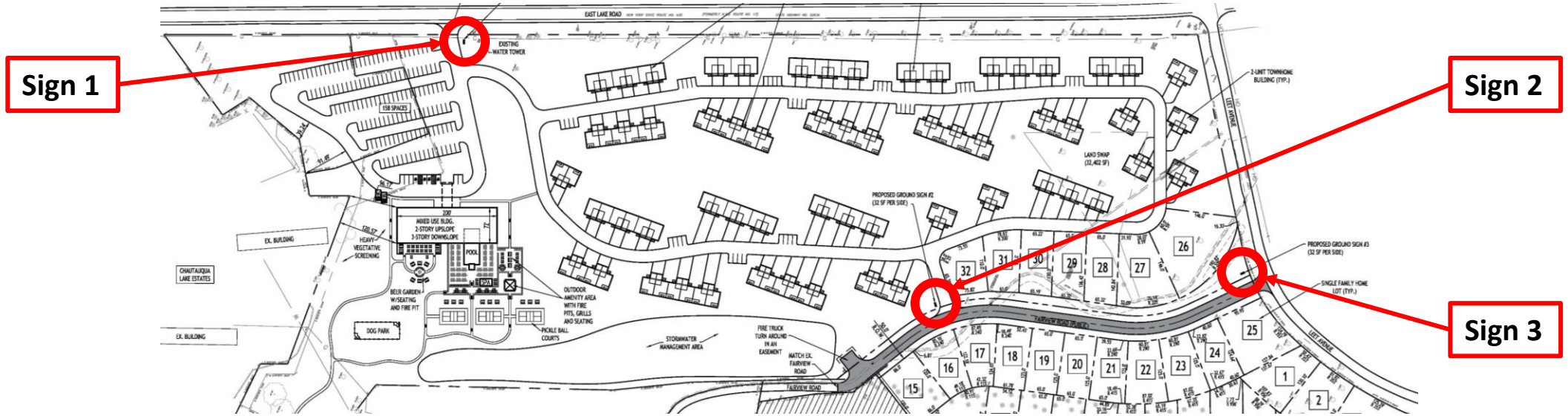
- Townhome roadway extension/connection added for enhanced emergency access to the Project.
- Shifted the mixed-use building to south approximately 100 ft. and up slope approximately 130 ft. for increased buffer from Chautauqua Lake Estates to the north and to prevent Chautauqua Lake Estates view blockage looking towards the south.
- Reduced mixed-use building height by a floor to two-stories on upslope side and three-stories on downslope. Also reduced mixed-use building length to 200 ft. This reduced the upper floors residential unit density from 40 units to 24 units.
- The density of the residential components of the Project was reduced to 174 units so that the project density is 4.9 residential units per acre.
- Reconfiguration of Fairview Drive to modify layout of the single-family component of the Project and so that Fairview Drive will comply to current applicable technical standards. The reconfigured Fairview Drive will be a publicly accessible roadway to be dedicated to the Town.

Summary of Project Modifications

- Added landscape buffer embellishment along north property line to screen light and sound from mixed-use building/amenity area to Chautauqua Lake Estates.
- The originally submitted Landscape Plans were updated utilizing Chautauqua Watershed Conservancy supplied plant list.
- Outdoor amenity areas were re-organized to establish a buffer with restaurant patio and to Chautauqua Lake Estates.
- Elimination of the originally proposed northernmost curb cut from the Project Site onto East Lake Road based on input received from the NYS Department of Transportation.
- The seasonal boat dock layout has been modified and will consist of a maximum of 40 boat slips for seasonal use. The seasonal boat slips will be available to residents, their guests and the public on a first-come basis.

Requested Variance 1 – Permitted Accessory Uses

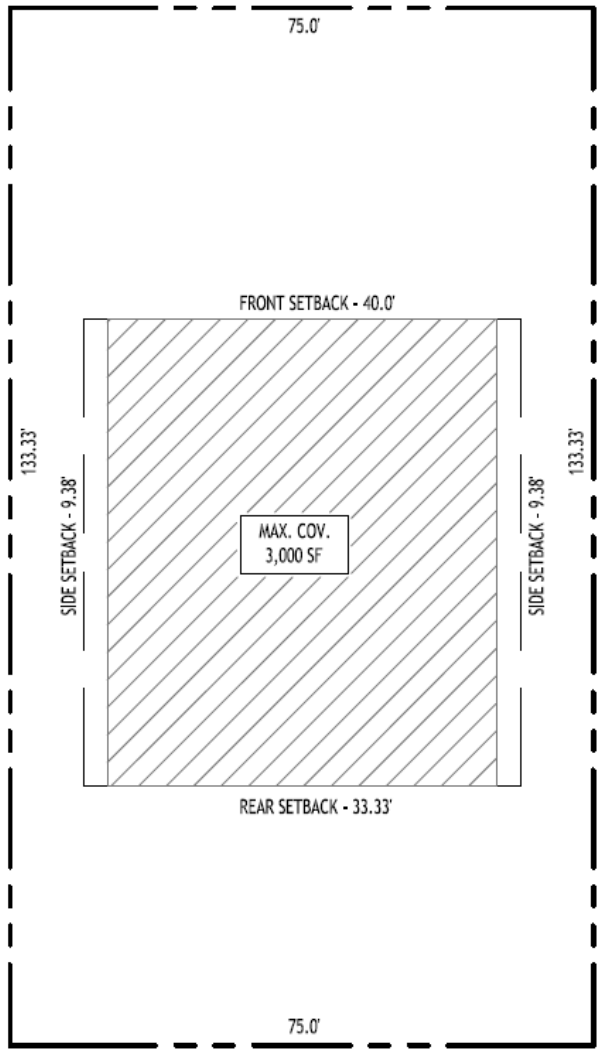
- Section 143-16 of the Zoning Code sets the permitted accessory uses and structures allowed in the Residential-Lakeside (R-L) District and states as follows:
  - Any accessory uses and structures permitted and as regulated in the R district
  - **Signs as regulated in the R District, except that one identification sign not exceeding 20 square feet in area and identifying the premises on which located shall be permitted on premises. Such a sign may be illuminated by a non-flashing source of light.**
  - Cabanas, dressing rooms or customary accessory uses
- **<u>Requested Variance</u>: To allow three (3) ground signs, as shown on site plan. Sign No.1 will be for the mixed-use bldg and will not exceed 48 sq ft per side. Sign No. 2 and 3 will not exceed 32 sq ft per side. The signs will be illuminated by a non-flashing source of light and will not be LED signs.**



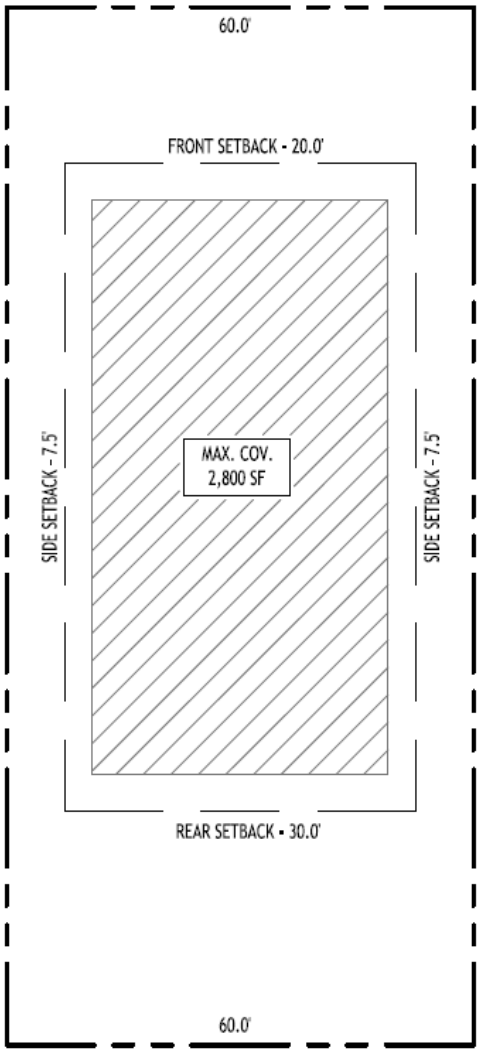
Requested Variance 2 – Minimum Area Requirements

- **Section 143-17 of the Zoning Code sets the area requirements in the Residential-Lakeside (R-L) District as follows:**
  - **Min Lot size: 10,000 sq ft if serviced by both a community water system and a sanitary sewer system**
  - **Min Lot Width: 75 ft.**
  - **Min Front Yard Depth: 40 ft.**
  - **Min Side Yard: 25% of lot width or 8 ft.**
  - **Rear Yard: 25% of lot depth or 40 ft., whichever is less**
- **<u>Requested Variances for Single-Family Lots</u>:**
  - **Min Lot Size: 8,000 sq ft. [Average Lot size is 9,868 sq. ft.]**
  - **Min Lot Width: 60 ft.**
  - **Min Front Yard Depth: 20 ft.**
  - **Min Side Yard: 7.5 ft.**
  - **Min Rear Yard: 30 ft.**

Per R-L District:



As Proposed:



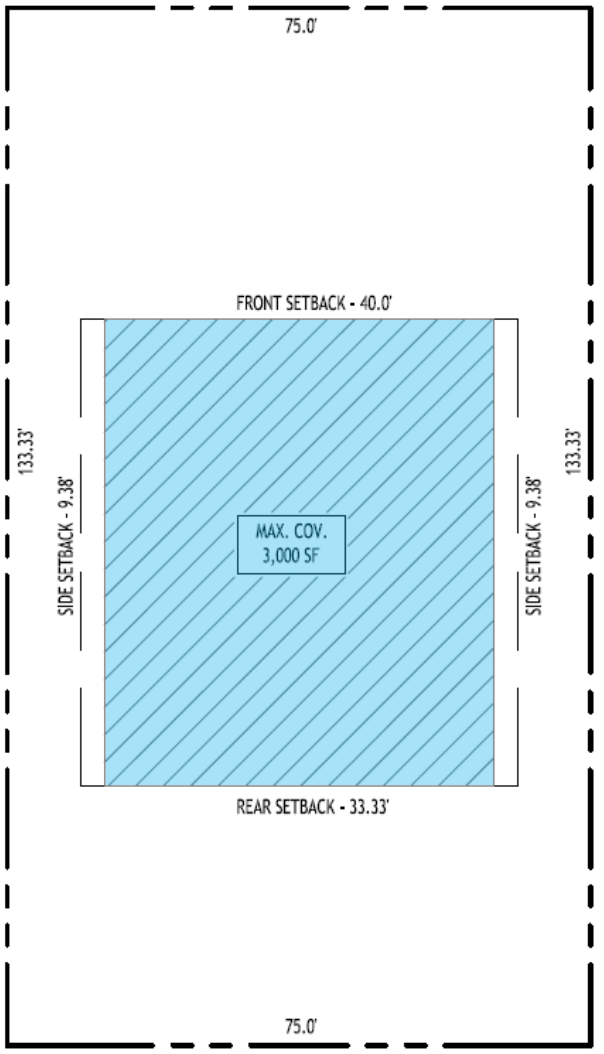
Requested Variance 3 – Minimum Size Dwelling

- Section 143-18 of the Zoning Code sets the standard for development in the Residential-Lakeside (R-L) District as follows:
  - **The minimum size of a dwelling shall 800 sq ft of enclosed living space.**
  - The sum of all area covered by principal and accessory uses, buildings, and structures shall not exceed 30% of the area of the lot
  - If private garaging is located in the basement level under the dwelling, such private garage area shall not exceed 775 sq ft
  - No accessory uses or structures shall be altered or otherwise modified in a manner that would make it a dwelling unit, as defined in this chapter.
- **<u>Requested Variance</u>: To allow up to 8 units in the mixed-use building to consist of between 500 and 800 sq ft residential units in the mixed-use building.**

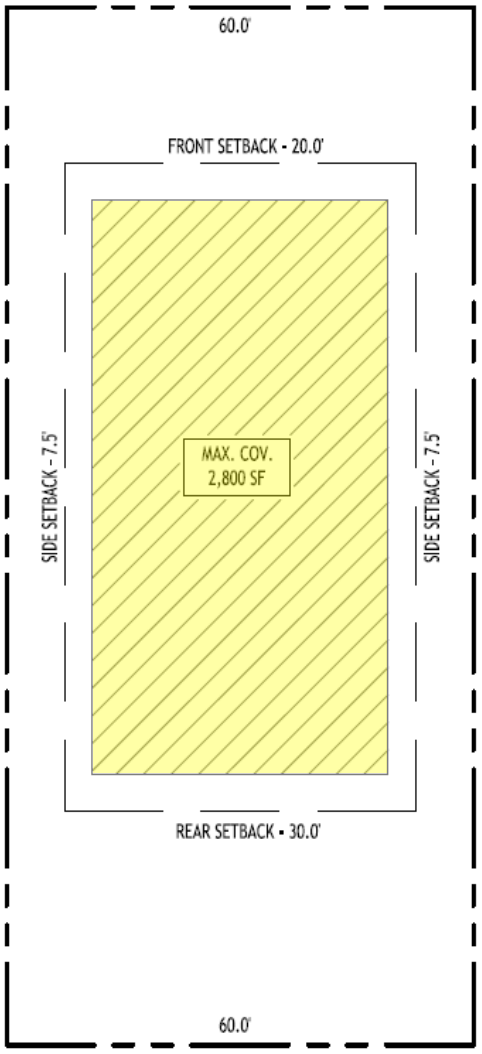
Requested Variance 4 – Maximum Lot Coverage

- Section 143-18 of the Zoning Code sets the standard for development in the Residential-Lakeside (R-L) District as follows:
  - **The sum of all area covered by principal and accessory uses, buildings, and structures shall not exceed 30% of the area of the lot**
- **<u>Requested Variance</u>: To allow a maximum lot coverage of 35% for the single-family residential lots.**

Per R-L District:



As Proposed:

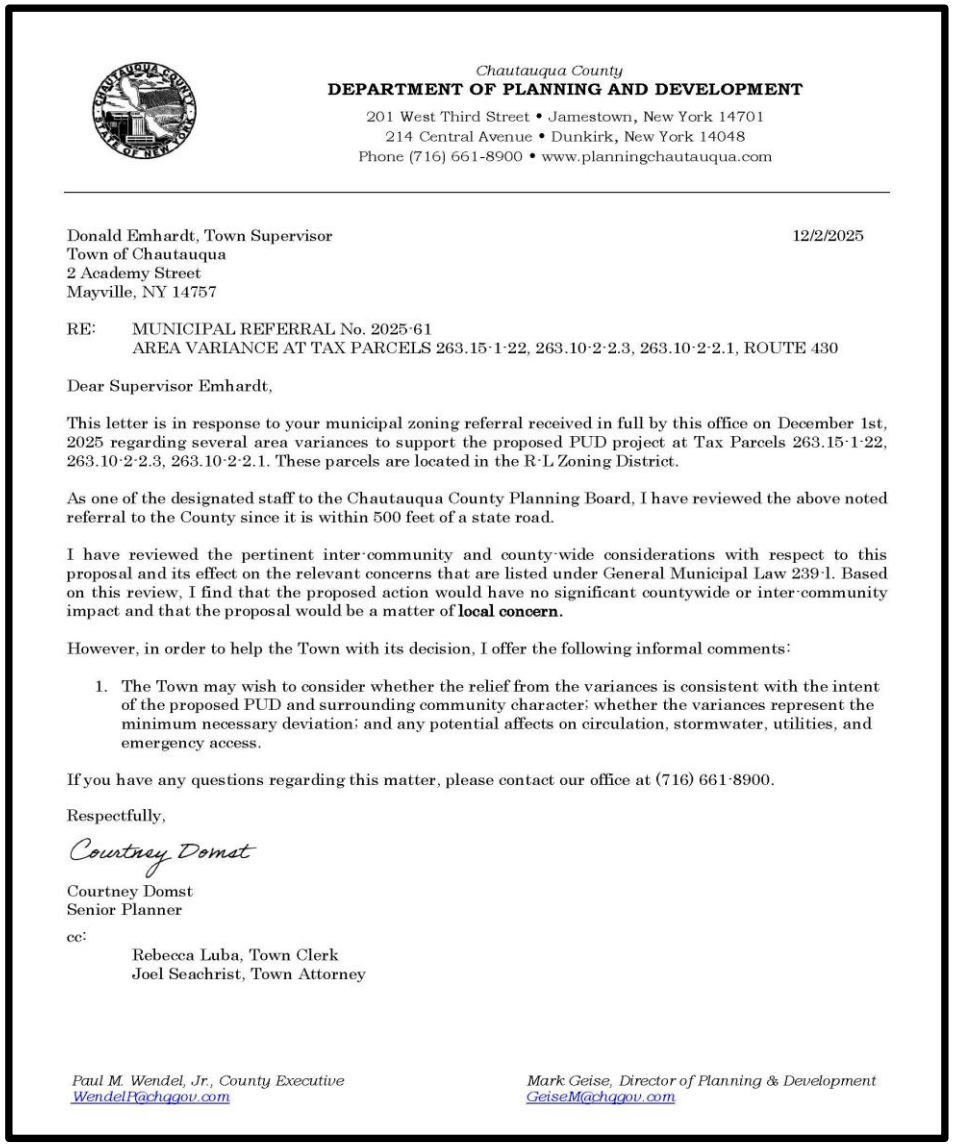


Requested Variance 5 – Maximum Building Height

- **Section 143-21C(3) of the Zoning Code states as follows:**
  - **No structure may be built which exceeds two stories in height.**
- **<u>Requested Variance</u>: To allow the townhomes and mixed-use building to consist of a maximum of three stories.**

Reply from County Planning Department

- **<u>Response from County Planning Department dated December 2, 2025</u>:**
- 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. The Town may wish to consider whether the relief from the variances is consistent with the intent of the proposed PUD and surrounding community character; whether the variances represent the minimum necessary deviation; and any potential affects on circulation, stormwater, utilities, and emergency access.



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

12/2/2025

RE: MUNICIPAL REFERRAL No. 2025-61
AREA VARIANCE AT TAX PARCELS 263.15-1-22, 263.10-2-2.3, 263.10-2-2.1, ROUTE 430

Dear Supervisor Emhardt,

This letter is in response to your municipal zoning referral received in full by this office on December 1st, 2025 regarding several area variances to support the proposed PUD project at Tax Parcels 263.15-1-22, 263.10-2-2.3, 263.10-2-2.1. These parcels are located in the R-L Zoning District.

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 500 feet of a state road.

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. The Town may wish to consider whether the relief from the variances is consistent with the intent of the proposed PUD and surrounding community character; whether the variances represent the minimum necessary deviation; and any potential affects on circulation, stormwater, utilities, and emergency access.

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

Justification for Area Variances

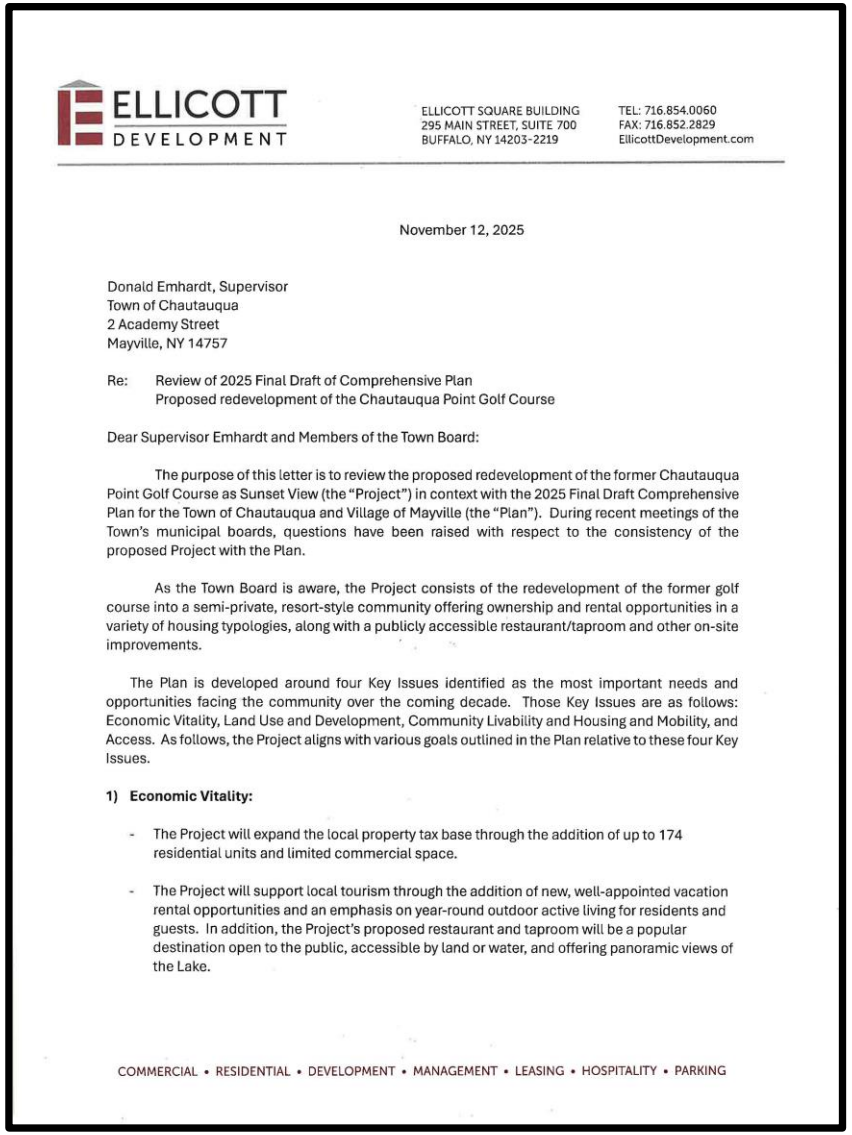
- **<u>Town Law Section 267-b(3)(b)</u>:**
- Statutorily mandated balancing test:
  - "The benefits to the applicant if the area variances are granted as weighed against the detriments to the health, safety and welfare of the neighborhood or community."
- The granting of the requested area variances will result in substantial benefits to the Project Sponsor that outweighs any resulting detriments to the health, safety and welfare of the neighborhood or community.
- The granting of the requested area variances for the project is consistent with the intent and purpose of PUD per Section 143-19 of the Zoning Code which is to authorize residential development in the Town in a manner that preserves open spaces, encourages the inclusion of aesthetically planned landscaping, recreational facilities and open spaces; and also permits flexible land use and building design so that neighborhoods or portions thereof may be developed within the Town that incorporate a variety of residential units and building types.
- In the absence of the requested area variances being granted, the Project Sponsor will not be able to proceed with development as depicted on the current Preliminary PUD Plan prepared by Carmina Wood Design [Drawing C-100 – Date: 11/20/25]
- Three story buildings are limited to the downslope side of the mixed-use building and townhomes
- The granting of the requested area variances will accommodate a mixture of uses with a project layout that is consistent with the Town's planning goals and objectives.

Justification for Area Variances

- **Consitency with Draft Comprehensive Plan – Letter from Tom Fox dated November 12, 2025:**

1) Economic Vitality:

- The Project will expand the local property tax base through the addition of up to 174 residential units and limited commercial space.
- The Project will support local tourism through the addition of new, well-appointed vacation rental opportunities and an emphasis on year-round outdoor active living for residents and guests.
- In addition, the Project's proposed restaurant and taproom will be a popular destination open to the public, accessible by land or water, and offering panoramic views of the Lake.



ELLICOTT DEVELOPMENT

ELLICOTT SQUARE BUILDING
295 MAIN STREET, SUITE 700
BUFFALO, NY 14203-2219

TEL: 716.854.0060
FAX: 716.852.2829
EllicottDevelopment.com

November 12, 2025

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

Re: Review of 2025 Final Draft of Comprehensive Plan
Proposed redevelopment of the Chautauqua Point Golf Course

Dear Supervisor Emhardt and Members of the Town Board:

The purpose of this letter is to review the proposed redevelopment of the former Chautauqua Point Golf Course as Sunset View (the "Project") in context with the 2025 Final Draft Comprehensive Plan for the Town of Chautauqua and Village of Mayville (the "Plan"). During recent meetings of the Town's municipal boards, questions have been raised with respect to the consistency of the proposed Project with the Plan.

As the Town Board is aware, the Project consists of the redevelopment of the former golf course into a semi-private, resort-style community offering ownership and rental opportunities in a variety of housing typologies, along with a publicly accessible restaurant/taproom and other on-site improvements.

The Plan is developed around four Key Issues identified as the most important needs and opportunities facing the community over the coming decade. Those Key Issues are as follows: Economic Vitality, Land Use and Development, Community Livability and Housing and Mobility, and Access. As follows, the Project aligns with various goals outlined in the Plan relative to these four Key Issues.

1) **Economic Vitality:**

- The Project will expand the local property tax base through the addition of up to 174 residential units and limited commercial space.
- The Project will support local tourism through the addition of new, well-appointed vacation rental opportunities and an emphasis on year-round outdoor active living for residents and guests. In addition, the Project's proposed restaurant and taproom will be a popular destination open to the public, accessible by land or water, and offering panoramic views of the Lake.

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Justification for Area Variances

2) <u>Land Use and Development</u>:

- The Project exemplifies smart growth practices through redevelopment of the former golf course in a manner that is consistent with the existing development in the vicinity of the Project Site.
- The Project is consistent with the traditional pattern of land use in the Town, where recreational and residential development occur along the lakeshore.
- The Project does not threaten to fragment the local landscape with the loss of existing farmland and natural habitats.
- Consistent with commonly used approaches to update land use controls, the Project involves a progressive zoning enhancement via the requested PUD Approval along the lakeshore to support small businesses and year-round visitor attractions.
- The Project involves the installation of an extensive stormwater management and bio-retention system that will comply with the stringent stormwater quantity and quality standards of the NYS Department of Environmental Conservation.
- Consistent with the Future Land Use Map and the applicable Lakeside Community zone, which encompasses the Project Site, the Project represents low-density development and has been deliberately designed to take advantage of lake access and views.

Justification for Area Variances

3) <u>Community Livability and Housing</u>:

- The Project begins to address the growing issue of the area's aging housing stock that is increasingly unable to meet the needs of current residents and future potential home buyers based on demographic shifts in the local population. An aging housing stock also translates into increased maintenance costs and poor energy efficiency when compared to new home construction utilizing modern, low-maintenance and high-efficiency building materials coupled with advanced construction methods.
- The range of housing typologies to be provided by the Project will cater to a variety of resident needs and levels of affordability.

4) <u>Mobility and Access</u>:

- The Project will incorporate EV charging stations that will support the growth of an effective EV network in the Chautauqua region.

Justification for Area Variances

- **<u>Criteria #1</u>: Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested area variances.**
  - The granting of the requested area variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.
  - The Sunset View project layout has been deliberately designed to consider the existing neighborhood and includes single-family homes on the portion of the Project Site that is adjacent to the Point Chautauqua neighborhood.
  - The area variance being sought to allow the installation of ground signs will allow the project to include appropriate signage.
  - The area variances applicable to the 32 residential lots and the lot coverage of the proposed single-family homes will allow a greater portion of the Project Site consisting of greenspace and will also offset the substantial expense that will be incurred in connection with the installation of Fairview Drive as a public roadway at its proposed location.

Justification for Area Variances

- **<u>Criteria #2</u>: Whether the benefits sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than an area variances.**
  - There are not any feasible alternatives that would allow the Applicant to receive the benefits it will receive if the Zoning Board of Appeals grants the requested relief that would eliminate the need for the requested area variances.
  - The project layout reflects substantial modifications made during the lengthy review process.
  - In the absence of the requested area variances being granted, the project layout would need to be modified substantially and the project would no longer be feasible due to the following:
    - Elimination of the third floors of the mixed-use and townhome buildings.
    - The increase in the size of the residential units in the mixed-use building to 800 sq. ft.
    - The increase in the minimum lot size and the required setbacks for the single-family homes and the maximum lot coverage for the single-family homes.

Justification for Area Variances

- **Criteria #3: Whether the requested area variances are substantial**
  - The area variances being sought in connection with the project are not "substantial" in the context of the project.
  - The reason the magnitude of an area variance is relevant is that, generally, the larger the difference the more likely it is that a negative effect would be generated. See Matter of Human Development Services of Port Chester v. Zoning Board of Appeals of the Village of Port Chester, 110 A.D.2d 135, aff'd, 67 N.Y.2d 702.
  - However, in any particular case, the facts may demonstrate that while a variance may seem noteworthy on paper, no negative effect would be produced and, accordingly, the sought-after variance should be granted.
  - It is the position of the Applicant that the granting of the requested area variances will not result in "harm".

Justification for Area Variances

- **<u>Criteria #4</u>: Whether the proposed variances will have an adverse effect or impact on the physical or environmental conditions in the neighborhood.**
  - The Project Site consists a vacant former golf course and the project layout has deliberately designed and modified on numerous occasions based on consideration of numerous factors including the physical and environmental condition in the neighborhood.
  - There will be not be any substantial adverse effects on the physical or environmental condition in the neighborhood that will result from the granting of the requested area variances.
  - Federal Wetland Determination Letter prepared by Davey Resource Group, dated April 8, 2025
  - Freshwater Wetland Parcel Jurisdictional Determination Letter issued by the NYSDEC dated August 29, 2025 confirming there are not any jurisdictional NYSDEC wetlands on the Project Site.
  - SHPO No Impact Determination Letter dated May 20, 2025 – Potential relocation of the existing water tower in the East Lake Avenue Right-of-Way.

Justification for Area Variances

- **<u>Criteria #4</u>: Whether the proposed variances will have an adverse effect or impact on the physical or environmental conditions in the neighborhood.**
  - Traffic Impact Report prepared by Passero Associates, dated July 18, 2024, revised on September 27, 2024, January 16, 2025, and May 1, 2025
    - Scope of the study expanded to include the following intersections: Leet Avenue at Fairview Avenue, Leet Avenue at Zephyr Avenue, Leet Avenue at Lookout Avenue and Leet Avenue at Elm Avenue
    - Northern driveway connection to East Lake Road removed based on input from NYSDOT
  - Professional opinion of Passero Associates that the Project will not result in any potentially significant traffic impacts.
  - The project will comply with the stringent stormwater quality and quantity standards on the NYS Department of Conservation ("NYSDEC").
  - Detailed information has been provided to the Zoning Board of Appeals and the Town Board during the lengthy review process including professionally prepared reports and studies demonstrating the project will not result in any potentially significant adverse environmental impacts.
  - During its meeting on November 18, 2025, the Zoning Board adopted a resolution that included its determination that the project plans are not incompatible with the requirements of the State Environmental Quality Review Act ("SEQRA").

Justification for Area Variances

- **<u>Criteria #5</u>: Whether the alleged difficulty was self-created.**
  - Town Law §267-b(3)(b) expressly this criteria cannot be sole basis for decision.
  - Granting of the requested area variances is justified per the balancing test and the other four criteria.

Conclusion

- Granting of the requested relief is justified per the balancing test and five criteria
- Questions…