

# Proposed Zoning Code Amendment Draft of Local Law No. 2 of 2025

Town Board Meeting  
August 13, 2025



SUNSET VIEW

A CHAUTAUQUA LAKE COMMUNITY

# Project Site Aerial



**Chautauqua Lake  
Estates**

**Point Chautauqua  
Neighborhood**

**The Villas at Chautauqua Point**

E Lake Road

Leet Avenue

Fairview Road

Lookout Avenue

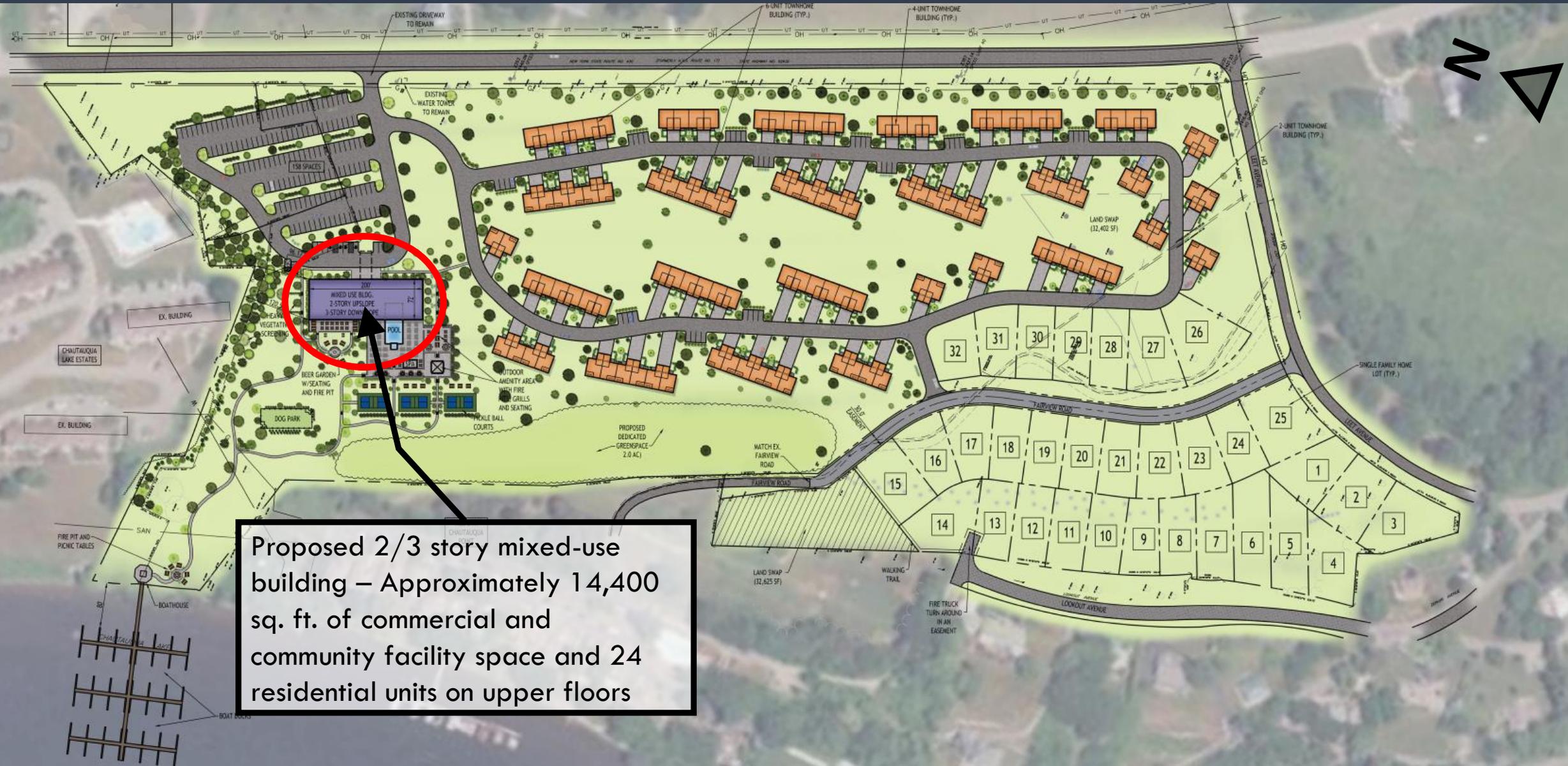
Zephyr Avenue

Terrace Avenue



# Concept Site Plan [05/27/25] – 174 Res Units

3



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

4



***Mixed-Use, Condominium Living and Recreation***

# Proposed Zoning Code Amendment

5

- Public hearing held by the Town Board on July 9<sup>th</sup>
- Ellicott Development Company is not requesting that the Town Board adopt the draft of Local Law No. 2 during its meeting this evening since the 30-day time period for the coordinated environmental review of a Type I action will expire on August 18<sup>th</sup>
- Local Law No. 2 of 2025 has been properly classified as a Type I action pursuant to 6 NYCRR Part 617.4(b)(2) which states “the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district”
- The Sunset View Project Site consists of 35.5 acres
- Lead Agency Solicitation Notice issued on July 18<sup>th</sup>



Square Engineering D.P.C.  
1385 Hertel Avenue, Buffalo, NY 14216  
716-208-4534 | [info@eandbsquared.com](mailto:info@eandbsquared.com)

July 18, 2025

Re: Adoption of Local Law No. 2 of 2025 - Permitting Certain Commercial Uses in Mixed-Use Buildings in a Planned Unit Development

Subj: Notice of Intent to Establish Lead Agency – Town of Chautauqua – SEQR

To Whom It May Concern,

The Town of Chautauqua Town Board is considering the adoption of a local law to permit certain commercial uses within mixed-use buildings located in a Planned Unit Development. The local law would amend §143-21 of the Town Zoning Code. The Town of Chautauqua is intending to assume the role of lead agency for SEQR review and considers you an interested or involved agency. The Town has prepared a Full FEAF SEQR Form and a draft of the Local Law No. 2, both of which are attached to this letter. The project has been classified as an “Type 1” per 6 NYCRR part 617.4.

Involved Agencies must agree on the Lead Agency designation by August 18, 2025 (30 days from the date of this letter). **Please complete and return the attached Lead Agency Consent Form by August 18, 2025.** If you disagree with the designation of the Town of Chautauqua Town Board as Lead Agency, or have any comments regarding the project, please contact Andrew Meyerhofer at [ameyerhofer@squareeng.com](mailto:ameyerhofer@squareeng.com).

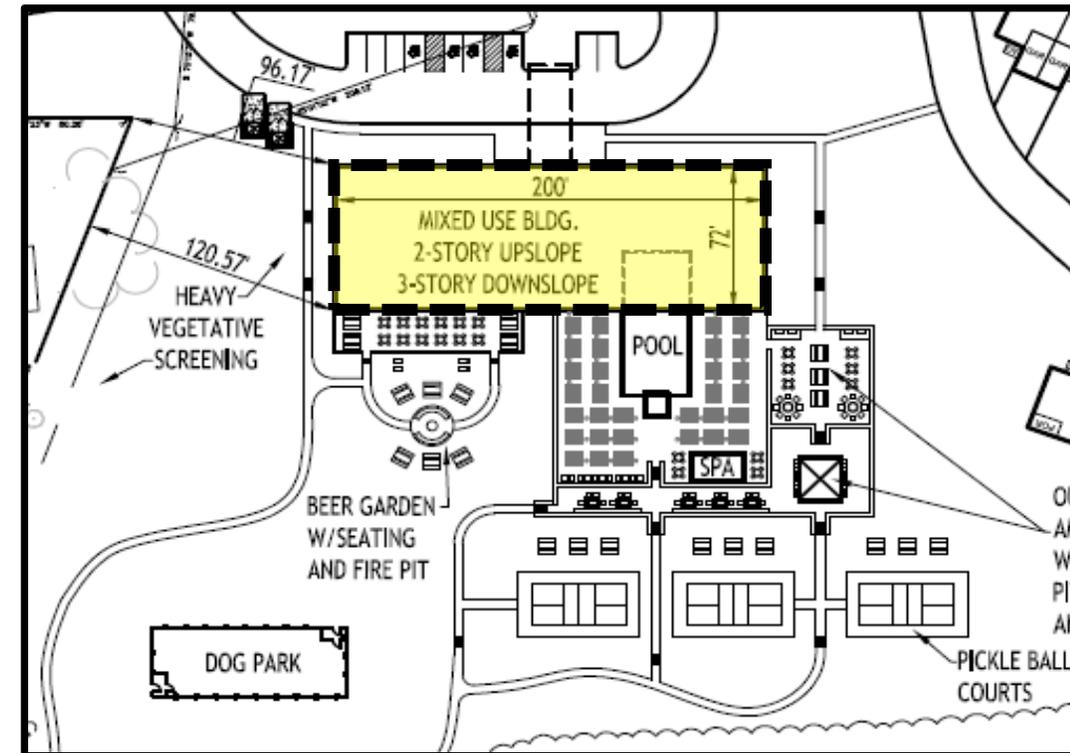
Sincerely,

A handwritten signature in black ink that reads "Andrew Meyerhofer".

Andrew Meyerhofer, P.E.

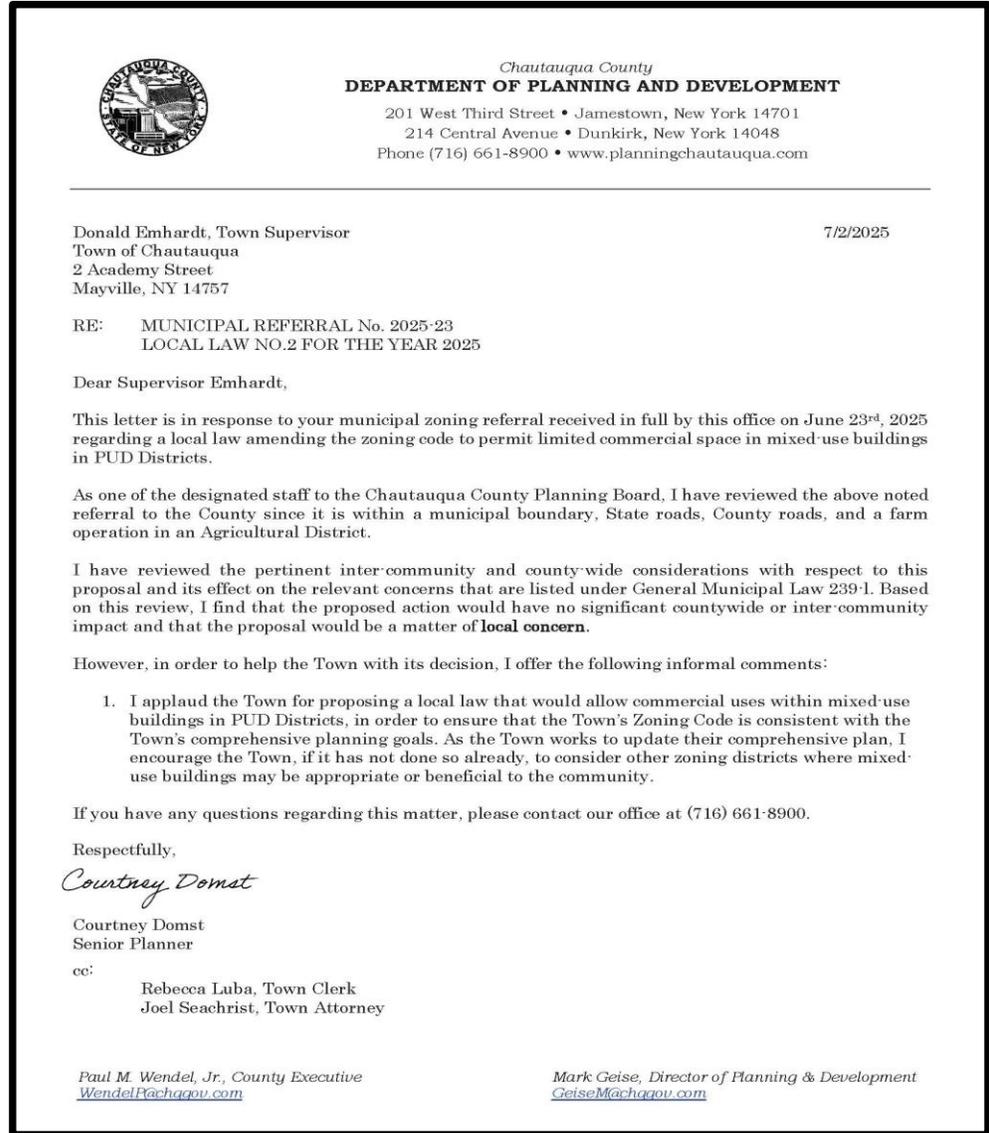
# Proposed Zoning Code Amendment

- 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]

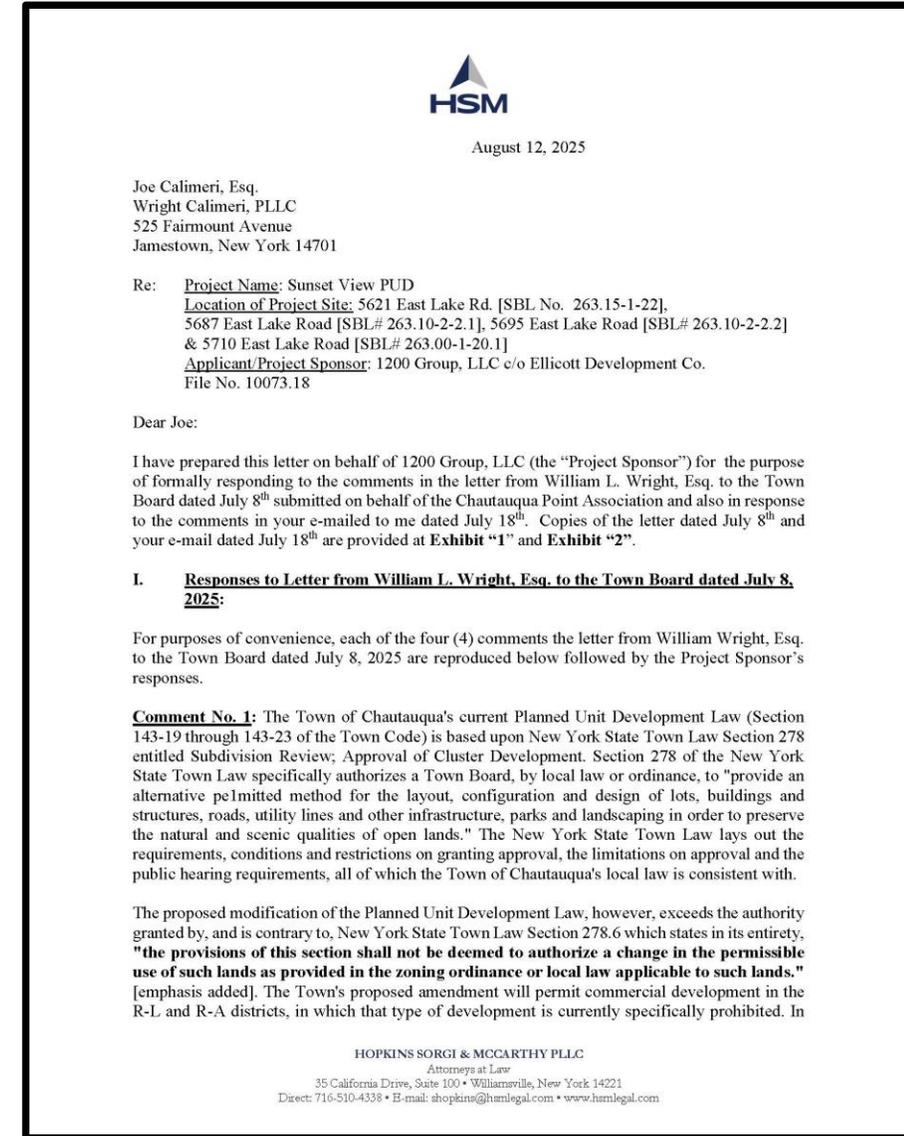


# Reply Letter from Courtney Domst of the Chautauqua County Dept of Planning and Development dated July 2, 2025

- “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-I. 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.”

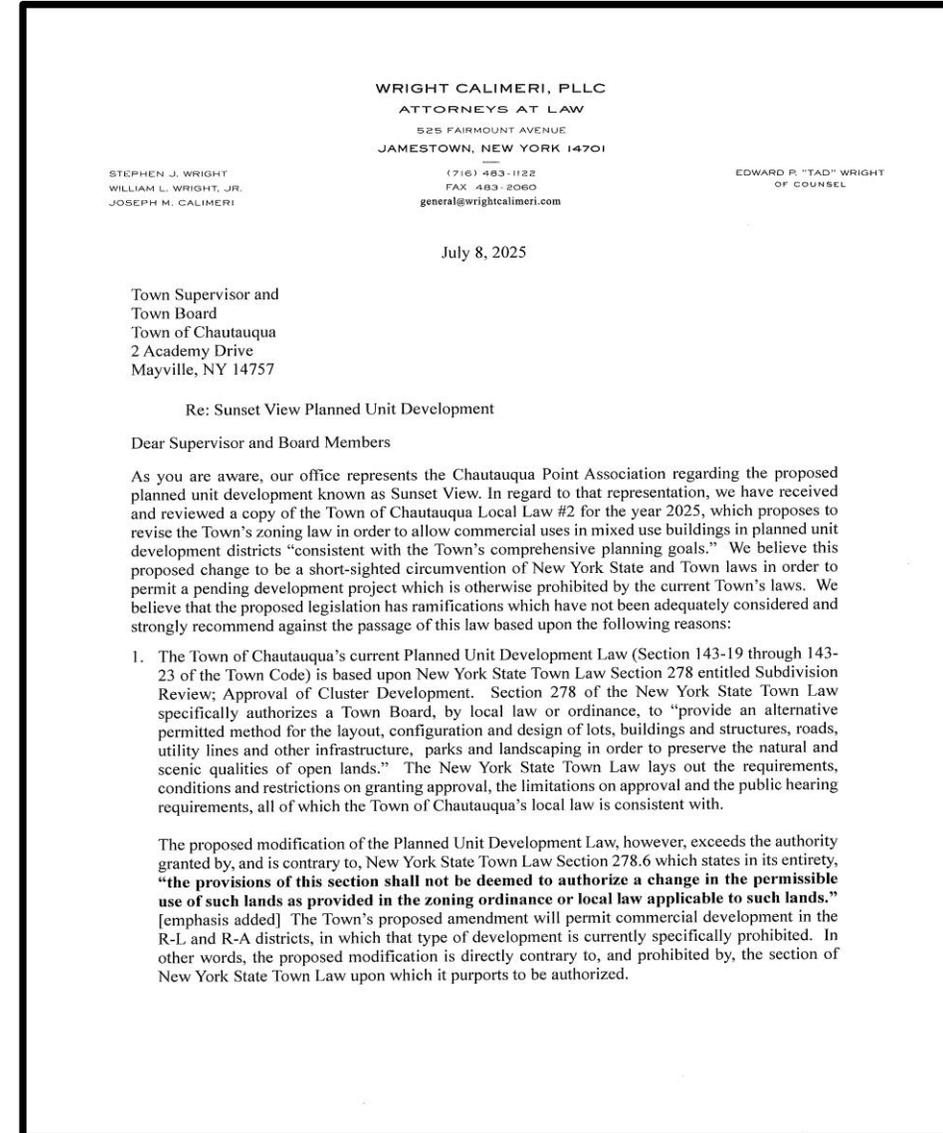


- Letter submitted responding to the four comments in the letter from William L. Wright, Esq. to the Town Board dated July 8<sup>th</sup> submitted on behalf of the Chautauqua Point Association and also in response to the two comments in the e-mail from Joe Calimeri, Esq. dated July 18<sup>th</sup>.



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

- **Comment No. 2:** “The adoption of Local Law No. 2 would 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:** The draft of Local Law No. 2 of 2025 is being reviewed as Type I action pursuant to SEQRA. The adoption of the draft of Local Law No. 2 of 2025 will not result in any potentially significant adverse environmental impacts.



- **Comment No. 1:** “As set forth in the letter from the attorney for the Point Chautauqua Association the proposed amendment is unlawful under both New York's Town Law and is an impermissible segmentation of the review of the application by Sunset View under the State Environmental Quality Review Act.”
  - **Response:** The SEQRA regulations define segmentation as “the division of the environmental review of an action such that various activities or stages are addressed under this Part as though they were independent, unrelated activities, needing individual determinations of significance.” [6 NYCRR § 617.2 (ah)].
  - As established by case law, the relevant environmental danger to guard against is “when a project that would have a significant effect on the environment is broken up into two or more component parts that, individually, would not have as significant an environmental impact as the entire project or, indeed, where one or more aspects of the project might fall below the threshold requiring any review.” Forman v. Trs. of State Univ. of N.Y., 303 A.D.2d 1019, 1019 (4th Dept. 2003) (citations/quotations omitted); see also Matter of Friends of Stanford Home v. Town of Niskayuna, 2008 NY Slip Op 3280, ¶ 2, 50 A.D.3d 1289, 1290(3rd Dept. 2008) (“Such division is impermissible when the environmental review of an action is divided into smaller stages in order to avoid the detailed review called for under SEQRA.”)
  - The draft of Local Law No. 2 of 2025 is not limited to the Project Site and the Town Board is in the process of conducting a very detailed coordinated environmental review of the proposed Sunset View PUD.

# Email from Alicia C. Rood to the Town of Chautauqua dated August 12, 2025

- **Comment No. 2:** “Furthermore, as I stated at the prior public hearing the proposed amendment, particularly permitting restaurants within a PUD, is contrary to the interests of the existing businesses and residents of the Town. As I stated there are already multiple vacant restaurants within the Town. Furthermore, based on a review of publicly available information it appears that the auction of the former Webb's restaurant did not produce an acceptable bid. (There is still a for sale sign on the property and the auction site does not indicate that it was sold.)”
  - **Response:** Local Law No. 2 of 2025 that would allow limited commercial space within a PUD upon issuance of a Special Use Permit by the Town Board will assist the Project Sponsor is accomplishing a project objective of encouraging an active lifestyle with on-site amenities for residents and guests.
- **Comment No. 3:** “Finally, as the Board knows the condition of the lake has deteriorated over the last several years, and as recent news reports have documented, many property owners on the south end of the lake have been unable to use the lake for boating, fishing and swimming this summer. I am sure I do not have to remind the Board that the lake is the life blood of both the Town and the entire county. That the Town would consider such a large development without demanding a detailed study of the impacts on the lake is negligent and jeopardizes the future of the area.”
  - **Response:** The proposed Sunset View PUD will not result in any potentially significant adverse environmental impacts to Lake Chautauqua. The project will include the installation of an on-site stormwater management system that will comply with the stringent stormwater quality and quantity standards of the NYS Department of Environmental Conservation.

- Requesting that the Town Board schedule a public hearing on the requested Special Use Permit for the establishment of the Sunset View PUD and schedule a decision date for its meeting to be held on Wednesday, September 10<sup>th</sup>