

**CATTARAUGUS COUNTY PLANNING BOARD  
COUNTY CENTER  
LITTLE VALLEY  
JANUARY 30, 2003**

**PLANNING BOARD MEMBERS PRESENT:**

Paul Bishop, Chairman  
William Sprague, Vice Chairman  
Ann Padlo, Secretary  
David Rivet  
Jack Berger  
Florence Fuller  
Robert Keis

**PLANNING BOARD MEMBERS ABSENT:**

Paul Mager, Assistant Secretary  
James Rich  
Kameron Brooks  
Tina Abrams  
Charles Couture  
Donald Patterson

**PLANNING DIVISION STAFF PRESENT:**

Terry Martin, Chief Planner  
David P. Paoletta, Planner  
Margaret Puszcz, Stenographic Secretary

**GUESTS:**

Crystal Abers, Chairman Development and Agriculture Committee  
Joan Petzen, Chair Agricultural and Farmland Protection Board  
Joseph W. Koebel, Opposition to Jennings Project  
Nancy Koebel, Opposition to Jennings Project  
Aliceyn M. Hostetter, Opposition to Jennings Project  
Steven M. Hostetter, Opposition to Jennings Project  
Mike & Shanna Shaw, Opposition to Jennings Project  
Lynn Reynolds, East Otto Planning Board  
Grace Joseph, East Otto Planning Board  
Bob Bowen, East Otto Resident  
Kathy Kellogg, Buffalo News

Chairman Bishop called the meeting to order at 7:05 p.m.

Terry Martin introduced David Paoletta, who has been hired as Planner on a temporary basis. David has a degree in Geography and has had approximately 16 years of planning experience at the county level. His most recent experience was that as Senior Planner for the Genesee County Planning Department.

**APPROVAL OF MINUTES**

Chairman Bishop requested that a change be made to Page 8 under the paragraph starting with “Chairman Bishop”. Change the last sentence to read: He suggested that the Town consider eliminating the windy road out of the Wal-Mart parking lot.

Ann Padlo moved with a second from Florence Fuller to approve as amended the December 5, 2002 minutes. Carried.

## **ZONING REFERRALS**

### **Town of East Otto – Special Use Permit – Archery Range (indoor/outdoor)**

David Paoletta reported that the Town of East Otto has referred a Special Use Permit/Site Plan Review request for a commercial recreation facility at or near the intersection of Plato Road (Co. Rd. 75) and Jackman Hill Roads. The request is to erect a pole barn and to operate an indoor archery range, retail shop, and an outdoor archery range.

Mr. Paoletta stated the proposed archery range and associated ancillary facilities are allowed as a special use (private and commercial recreation facilities) pursuant to the Town of East Otto Zoning Ordinance. Traffic generation, parking and SEQR are adequately addressed in the referral application. Traffic generated by the proposed project will not be sufficient enough to adversely affect the level of service on roadways in the area nor will it present an increased risk to public safety. While the proposed action is situated on property adjacent to two parcels located in NYS Certified Agricultural Districts, no impact on any farming operation is anticipated. A small wetland area is situated in the northeast corner of the parcel and will not be impacted. The project should not pose any significant, adverse environmental impacts upon surrounding properties, which include agricultural, residential, and commercial land uses in the vicinity. The project as depicted in the site plan, appears to comply with all required setbacks. The site plan contains adequate information to evaluate most aspects of the proposal, which should not have a substantial impact upon the rural character of the area. Buffers to neighboring properties are included in the proposal. The proposed project is in compliance with the Town’s Zoning Ordinance and the Town of East Otto Planning Board has approved the preliminary plans for the proposal. Furthermore, this is a local issue with no countywide or inter-municipal concerns.

It is recommended, however, that all outdoor target range activities be directed away from neighboring residential properties and roadways and that the site plan be modified to clearly depict this recommendation as a condition of approval. It is also recommended as a condition of approval that the target ranges be located in compliance with Article 11, Title 9 of the NYS Environmental Conservation Law, as may be applicable. Staff recommendation is approval with modification.

Steve Hostetter stated that he is the one who wrote the letter addressed to the County Planning Board, which expresses his and his neighbors concerns and opposition to the proposed archery recreation area. He iterated his concerns about the project.

Grace Joseph, Town of East Otto Planning Board member stated that the Town Planning Board never saw the site plan that the County Planning Board has received.

Nancy Koebel stated that all they saw were pretty pictures as to how it will look. They also never saw a site plan.

Terry Martin stated that if the town planning board never saw the site plan that was delivered to the County, then it needs to go back for the town to review. This may need to be tabled for 30 days.

Considerable discussion.

Robert Keis stated that he believes that the Jennings should be present and that a better site plan should be presented that gives us something that can be reviewed.

David Rivet stated that the site plan needs to be to scale as well.

*Upon further discussion, Robert Keis moved with a second from David Rivet to table for 30 days the Special Use Permit/Site Plan Review request from the Town of East Otto Planning Board to erect a pole barn to house an indoor archery range and retail shop and an outdoor Olympic Archery ranges on vacant land near Plato and Jackman Hill Roads so that a proper site plan can be completed and then resubmitted through the proper procedure to the County Planning Board for review. Carried.*

Terry Martin introduced Crystal Abers, Chairwoman of the Development and Agriculture Committee.

### **Town of Little Valley – Special Use Permit – Development of START Trail**

Terry Martin reported that the Town of Little Valley Planning Board has referred a request for a Special Use Permit for the development of the START Trail project along the abandoned NY & LE road bed. Staff recommendation is approval with an advisory that the town should include in their approval the legal property description for the right-of-way so that there are no questions as to the boundaries of the trail in the future.

David Rivet questioned if there is such a description.

Terry Martin replied that when the County Industrial Development Agency gave the rail bed to the START organization, Rick LeFeber said he obtained a legal property description of the right-of-way.

*David Rivet moved with a second from Robert Keis to approve with an advisory the Town of Little Valley Planning Board's referred request for a Special Use Permit for the development of the START Trail project along the abandoned NY & LE road bed. The Advisory being: the Town of Little Valley should include in their approval of the Special Use Permit the legal property description for the right-of-way of the START Trail so that there is no question as to the boundaries of the trail. Carried.*

### **Town of Ellicottville – Zoning Text Amendments**

Terry Martin reported that 30 days have lapsed since the Town of Ellicottville referred their zoning text amendments. The amendments were adopted by the Town on January 28, 2003 in accordance with State Statutes. The amendments corrected procedural and technical deficiencies in the Town's current ordinance.

### **City of Olean – Site Plan Review/Special Use Permit – Wholesale Bakery Manufacturing Facility – 22 Homer Street**

Terry Martin reported that 30 days have lapsed since the City of Olean referred the Site Plan Review/Special Use Permit for a wholesale bakery manufacturing facility at 22 Homer Street, in the County IDA's Industrial Park. The Site Plan and Special use permit were then approved by the City on January 27, 2003 in accordance with State Statutes.

## **ENVIRONMENTAL**

### **Town of Allegany – SEQR Lead Agency – ATV Riding Course & Campground**

David Paoletta reported that the Town of Allegany Planning Board is seeking lead agency status for the SEQR review of an ATV Riding Course and Campground in the Town of Allegany. David has reviewed the SEQR project information and sees no reason why the County Planning Board, as an interested agency, should not concur with the Town of Allegany Planning Board as the lead agency. The staff has no comments regarding the proposed project at this time. Staff recommendation is concurrence.

*Ann Padlo moved with a second from David Rivet that the County Planning Board, as an interested agency, concurs with the Town of Allegany Planning Board serving as Lead Agency for the purpose of conducting an environmental review of the proposed new ATV Riding Course and Campground pursuant to Part 617.6(b) of the NYS Environmental Quality Review (SEQR) Act and has no comments regarding the proposed project at this time. Carried.*

## **TOWN OF GREAT VALLEY – ZONING REFERRAL EXEMPTIONS**

Terry Martin reported that the Supervisor for the Town of Great Valley recently requested that the Town and County enter into an agreement allowing the Town to exempt site plans from the zoning referral requirement. The Town of Great Valley does not have Zoning. However, they do have Site Plan Review as a stand alone ordinance, and has been sending site plans to us for review.

Terry contacted Harry Willis, Attorney for the NYS Department of State concerning this topic. According to Mr. Willis, Site Plan Reviews under a stand along Site Plan Review ordinance, although not in a zoning ordinance, also must be referred to the County Planning Board if the project falls within the 500 foot rule in state statutes. In addition, such referrals may be exempted with an inter-municipal agreement. Mr. Willis suggested that only those site plans be exempted that are “Unlisted Actions” under the SEQR law. Terry stated that he will pursue this further with the Town of Great Valley, if the County Planning Board has no objections. The Board had no objections.

Terry reported that state statutes allow the County Planning Board to enter into inter-municipal agreements with municipalities to exempt minor zoning actions from the mandatory zoning referral requirement. To date, the County Planning Board has entered into only one such inter-municipal agreement with the City of Salamanca. Since the agreement with Salamanca went into effect, the number of zoning referrals from Salamanca has dropped significantly. We need to do this with other communities.

Terry distributed a sample resolution for exempting certain referrals mandated by General Municipal Law Section 239-m for the Board’s review and suggested that we pursue this further with all municipalities that have zoning.

## **AGRICULTURAL DATA STATEMENT**

David Paoletta reported that pursuant to the NYS Agriculture and Markets Law (Article 25 AA), an Agricultural Data Statement is required for any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review when the action would occur on property within 500 feet of a farm operation located in a NYS Department of Agriculture & Markets certified Agricultural District. The local municipal board of jurisdiction must evaluate and consider the Agricultural Data Statement in its review of the action and consider the potential impacts of the proposed project upon the functioning of the farm operation. Furthermore, Section 283-a of NYS Town Law (Coordination with Agricultural Districts Program) necessitates that the clerk of the local municipal board must refer all applications requiring an Agricultural Data Statement to the County Planning Board for review as required by Sections 239-m and n of

the NYS General Municipal Law. The County Planning Board is then required to evaluate and consider the Agricultural Data Statement in its review of the action. These requirements of the aforementioned State laws became effective on July 1, 1998.

Since the County Planning Board Review is required pursuant to the NYS General Municipal Law, Section 239-m, to review actions located within 500 feet of the boundary of a farm operation located in an agricultural district, the Agricultural Data Statement becomes an important instrument which assists the Board in making an informed decision.

David Paoletta stated that it has come to our attention that neither the County Planning Board nor the local municipalities are aware of this requirement since the form has not been included with zoning referrals. Non-compliance with these statutes could lead to liability issues if this type of information, as required by law, is not utilized in the decision-making process.

David Paoletta contacted legal counsels from both the NYS Department of Agriculture and Markets and the NYS Department of State concerning this issue. They advised that neither State agency will take action against any municipal entities in Cattaraugus County relative to non-compliance issues associated with the statutes concerning Agricultural Data Statements. The Department of State also indicated that there is only a four-month "statute of limitations" pertaining to non-compliance with these statutes.

David Paoletta stated that staff recommendation would be to immediately advise all towns in Cattaraugus County with local zoning laws of the State statutes and provide them with copies of the Agricultural Data Statements.

*David Rivet moved with a second from Ann Padlo to advise all towns in Cattaraugus County with local zoning laws of the State statutes concerning Agricultural Data Statements. Carried.*

## **INTERGOVERNMENTAL REVIEWS**

Chairman Bishop stated that we had received one Intergovernmental Review concerning NYS Water Quality Management Planning Program.

David Paoletta stated that he could get more information concerning the implications for Cattaraugus County if the Board so desired.

Robert Keis, who is President of the STW Board, stated that he believes that this is a continuation of an ongoing program.

Chairman Bishop stated that we will note the Review received, reviewed no comment.

## **OLD BUSINESS**

### **Allegany State Park Perimeter Study**

Terry Martin reported that the Allegany State Park Perimeter Study that was funded by a \$100,000 Member Item from Senator Patricia McGee, has been completed. It will not be released until the County Attorney has had time to review it. We will hold a Press Conference within the next two weeks with Senator McGee and County Legislature Chairman Fitzpatrick to announce the completion of the study and the availability of copies.

## **Regional Trails Study**

Terry Martin reported that the Regional Trails Study called, "A New Vision for Enchanted Mountains Recreation Trails In Cattaraugus County, New York" is now available in Draft form for comment and discussion purposes. It is part of the Allegany State Park Perimeter Study as the in-kind portion of the study. It focuses on Equestrian Trails and Little Valley as an Equestrian Center.

The studies by Randall Arendt and Rick Swist were also completed in December 2002. However, graphics need to be scanned and inserted into the proper report formats before they can be printed and released sometime in the Spring 2003.

## **Three Year Plan**

Terry Martin stated that the Three Year Plan Committee recommended in August of 2002, now that the Countywide Vision guidebooks are published, that we should move towards Comprehensive Planning starting with a Transportation Plan that focuses on Routes 62, 219 and 16 and east-west connections.

Ann Padlo stated that the County Planning Board is here to do comprehensive planning and to help people and the towns and villages.

Terry Martin stated that we will start moving towards this goal in the coming year. He also stated that David Paoletta has had experience from his previous job in preparing and implementing a county level comprehensive plan. He asked David what the cost was for doing the plan?

David Paoletta responded that the cost was approximately \$50,000 for a countywide plan that included 10 major areas. They held focus groups and then moved into the implementation process. They now meet on a regular basis to reprioritize. The Comprehensive Planning process led to the development of a Smart Growth Plan and the Agriculture and Farmland Protection Plan.

David Paoletta also stated that there are 50% match grants out there for Agricultural and Farmland Protection Plans.

## **REPORTS**

### **Chairman's Report**

#### **Report of the Nomination Committee**

Jack Berger reported that all of the current officers have agreed to serve for another year. He believes that they are all doing a great job. The slate of officers would be:

Paul R. Bishop, Chairman

William Sprague, Vice Chairman

Ann Padlo, Secretary

Paul D. Mager, Assistant Secretary

*David Rivet moved with a second from Robert Keis to elect the following officers of the Cattaraugus County Planning Board for the year 2003: Paul R. Bishop, Chairman; William Sprague, Vice Chairman; Ann Padlo, Secretary; and Paul D. Mager, Assistant Secretary. Carried.*

### **Standing Committee Assignments**

Chairman Bishop stated that he sees no reason to change any of the Committee assignments unless someone desires a change. He asked David Rivet, since he is now a full member, if he would like to serve on any of the Committees, such as the Three Year Plan and Budget Committee. David Rivet said that he would be willing to serve on the Three Year Plan and Budget Committee.

### **MEMBERS FORUM – NO ITEMS**

### **DIRECTOR'S REPORT**

Terry Martin stated that Thomas Livak was unable to attend the meeting tonight but requested that Margaret Puszczyk present the following two items:

#### **2003 Cattaraugus County Travel Guide**

Margaret Puszczyk distributed copies of the 2003 Cattaraugus County Travel Guide and pointed out that we are now using the phrase “The Enchanted Mountains of Cattaraugus County” and a new logo. She also pointed out the county map that is included within the Guide, which was done in house with GIS. The map now includes on the back a small map of each of the two cities, describes the canoeable waters, stocked waterways and hiking and biking trails. The calendar of events has been placed within the guide.

The Planning Board members expressed support for the new “Enchanted Mountains” theme for Cattaraugus County.

#### **Self-Portrait of Cattaraugus County**

Margaret Puszczyk distributed copies of the Self-Portrait of Cattaraugus County and explained that Carol O'Brien had compiled the 2000 Census information into this document so that it is useable by individuals who need this information for grant applications, decisions on locating and or expanding businesses, etc. Margaret stated that this was one of the last projects that Carol had worked on before becoming ill.

It was the consensus of the Planning Board that they would like to see a page added to this document dedicating it to Carol O'Brien. They wanted a picture included if possible.

### **STW Report**

Robert Keis reported that STW has been moving along quite well with the I-86 Marketing Strategy. Support

has been gained by communities, especially for the “adopt-an-intersection” program and in getting communities involved in improving I-86 throughout its length in this region. STW is also working with communities on developing strategic plans for areas adjacent to I-86. Communities are being helped with the promotion of their vision for development along the corridor, as well as the intersecting Routes of Route 60 in Chautauqua County, Route 219 in Cattaraugus County, and Route 19 in Allegany County.

Robert Keis also reported that over the next 5 to 10 years, federal funds for the operation of the West Valley Nuclear Demonstration project no longer will be provided, and most of the remaining 500 out of what once were 1,000 employees will lose their jobs, leaving a substantial hole in the Western New York economy. STW has been asked by Cattaraugus and Erie Counties to take the lead in managing a planning process to develop a regional strategy for the economic redevelopment of the affected communities. In this regard, the planning partners will raise approximately \$1/2 million to hire a professional firm with experience in the redevelopment of US Department of Energy facilities. The STW Board authorized grantsmanship and administrative activities in support of this planning process.

### **OTHER REPORTS** – None

### **CORRESPONDENCE**

The following correspondence was received:

Kenneth C. Taft, NYSDEC – Copy of letter to STWS/IWS re: NYSDEC’s comments on SPDES applications and the Draft Supplemental Environmental Impact Statement for the Southern Tier Waste Management Facility Part 360 application.

Ruth L. Pierpont, NYSOPRHP – Simeon Robbins House (Miner’s Cabin) has been listed on the New York State Register of Historic Places and nominated to the National Register of Historic Places.

Ronald J. Mead, Agricultural District Program Manager, NYS Department of Agriculture & Markets – in receipt of Cattaraugus County Agricultural District No. 10 (Persia Agricultural District) materials. A final determination will be made by the Commissioner of Agriculture and Markets on the eligibility of the district within the next sixty days.

Donald Rychnowski, Executive Director, STW – seeking input concerning the 2003 documents: Regional Development Strategy; STW Region Comprehensive Project List and the STW Region Statistical Abstract.

Stephen J. Troskosky, Superintendent, Allegany Limestone Central School – SEQR Negative Declaration Notice of Determination of Non-Significance for Proposed New Bus Garage for both options 1 and 2.

### **Notices of Final Action:**

Village of Limestone – Adoption of Zoning Law Amendments allowing more signs and addition of fines and penalties for violations of the zoning law.

Town of Ellicottville – Conditional Use Permit to allow expansion of a chiropractic office at 6131 Route 219 South – granted.

Town of Ellicottville – Conditional Use Permit to allow a real estate office as a home occupation at 6162 Route 219 South – granted



Town of Allegany - Site Plan Review/Special Use Permit – 3864 Rt. 417 – Warehouse – granted.

Town of Allegany - Special Use Permit/Variance/Site Plan Review – Best Western Hotel – 3051 NYS Rt. 417 – granted with conditions.

City of Olean - Site Plan Review and SEQR – 836 S. Union Street – Beauty Salon – approved with conditions.

## **ADJOURNMENT**

*David Rivet moved with a second from Jack Berger to adjourn the meeting at 8:55 p.m. Carried.*

**APPROVED AS SUBMITTED 2/27/03**