

CATTARAUGUS COUNTY PLANNING BOARD

May 22, 2003

County Center, Little Valley, NY

7:00 p.m.

PLANNING BOARD MEMBERS PRESENT:

Paul Bishop, Chairman

William Sprague, Vice Chairman

Kameron Brooks

Jack Berger

Robert Keis

James Rich

David Rivet

PLANNING BOARD MEMBERS ABSENT:

Ann Padlo, Secretary

Paul Mager, Assistant Secretary

Tina Abrams

Charles Couture

Florence Fuller

Donald Patterson

PLANNING STAFF PRESENT:

Terry H. Martin, Chief Planner

David P. Paoletta, Planner

Margaret E. Puszcz, Stenographic Secretary

GUESTS:

Michael Martello, The Rehabilitation Center

Mary George, City of Olean Community Development

Joan Petzen, Agriculture & Farmland Protection Board

Kathy Kellogg, Buffalo News

Chairman Bishop called the meeting to order at 7:08 p.m.

APPROVAL OF MINUTES

David Rivet asked to be added to the Planning Board members absent at the April 24 meeting and present at the April 28, 2003 Planning Board meeting.

Jack Berger moved with a second from Kameron Brooks to approve the April 24, 2003 and April 28, 2003 Planning Board meeting minutes as amended. Carried.

ZONING REFERRALS

City of Olean – Special Use Permit – Parking Lot – 653-R Main Street

Terry Martin reported that the City of Olean has referred a Special Use Permit request for construction of a parking lot for Olean Medical Group employees parking at 653-R Main Street next to the landing zone for the helicopter. He expressed concern about the parking being so close to the helicopter landing zone.

Mary George stated that upon research, there are no restrictions concerning parking near the helicopter pad. The Olean General Hospital and the Dialysis Center both have parking near the pad.

Terry Martin stated that staff recommendation is approval of the Special Use Permit and the SEQR.

David Rivet moved with a second from Robert Keis that the County Planning Board approves the Special use Permit and the SEQR for construction of a vacant parking lot for Olean Medical Group employees parking at 653-½ Main Street. Carried.

City of Olean –Variance and Site Plan – 1439 Buffalo Street

Terry Martin reported that the City of Olean has referred a Variance and Site Plan review for an addition to The Rehabilitation Center (total square feet of 8,537) and expanded parking at 1439 Buffalo Street next to the County Building on Lincoln. The area variance is for a front setback.

Mike Martello of The Rehabilitation Center stated that they will be adding on to the front of the building and providing for 80 additional spaces. This addition is being constructed to consolidate operations into one location.

Terry Martin asked if any discussions have been held concerning connecting the Rehab Centers' parking lot with the County's parking lot?

Mike Martello stated that he has discussed this with Jack Searles, Deputy County Administrator who was going to discuss with the County Attorney Dennis Tobolski.

David Rivet stated that he has discussed this with Jack Searles and they have concerns about traffic back up.

Mike Martello stated that they have had discussion about flex time in order to spread out traffic flows..

Paul Bishop asked if other Rehab offices will be closed?

Mike Martello stated yes, that about 30 people will be brought into the new building.

Terry Martin stated that staff recommendation is approval of the Variance, Site Plan and City of Olean as SEQR Lead Agency.

David Rivet moved with a second from Kameron Brooks to approve the Variance, Site Plan and City of Olean as SEQR Lead Agency for an addition to an existing office building at 1439 Buffalo Street in the City of Olean. Carried.

OLD BUSINESS

Town of Ellicottville – Special Use Permit/Site Plan Review – Snow Tubing Facility – Bryant Hill Road at Rt. 242

David Paoletta reported that this Town of Ellicottville referral for a Snow Tubing Facility at Bryant Hill Road and Route 242 had been tabled at the April 24, 2003 meeting due to an insufficient site plan. An adequate site plan has now been submitted. The proposed project is allowed as a special use (commercial recreation facility) pursuant to the Town's Zoning Ordinance. Parking has been adequately addressed. The estimated peak hour traffic generation seems to be high (weekday: 55; weekend: 110) and is being evaluated by the

Town Engineer. A large portion of the trip ends indicated will actually be at Holiday Valley and then shuttled to the site.

The project depicted in the site plan appears to comply with all required setbacks; there are no on-site wetlands; a portion of Great Valley Creek traverses the southwest portion of the property and will not be impacted; a stormwater pollution prevention plan has been prepared; mitigation measures for noise and lighting will be utilized. The property is located in a NYS certified agricultural district, but is not actively farmed. The Town of Ellicottville as Lead Agency is adequately addressing SEQR. This is a local issue with no countywide or inter-municipal concerns. Staff recommendation is approval of the Site Plan, Special Use Permit and the Town of Ellicottville as Lead Agency for the SEQR.

David Rivet moved with a second from Robert Keis to approve the Site Plan, Special Use Permit and the Town of Ellicottville as Lead Agency for the SEQR for the Snow Tubing Facility at Bryant Hill Road and Route 242. Carried. Kameron Brooks abstained.

NEW BUSINESS

Town of Ellicottville – Area Variance – Barn – 7853 Route 219N

David Paoletta reported that the Town of Ellicottville has referred an Area Variance to allow the applicant to construct a new barn 40 feet from the front property line and 30 feet from the rear property line. In a Conservation District, the Town of Ellicottville Zoning Ordinance requires a minimum setback of 100 feet from each of these property lines. The narrow dept and the irregular shape of the lot make it impossible to locate any building on the lot and meet the setback requirements. The front yard borders on the Route 219 ROW, while the rear lot line is on the down slope of a ravine, which borders on neighboring property consisting of undeveloped woodland and fields. Compromising the rear setback would not be detrimental to the neighboring property due to its character and would not result in any adverse impacts. The proposed front setback of 40 feet is actually greater than the setback of the existing residence, which is 28.7 feet. Consequently, the proposed barn would have less potential impact on the Route 219 ROW than the existing structure. This is a local issue with no countywide or inter-municipal concerns. Staff recommendation is approval.

Kameron Brooks moved with a second from Jack Berger to approve the Town of Ellicottville referred request for an Area Variance to construct a new barn at 7853 Route 219N. Carried.

Town of Ellicottville – Special Use Permit/Site Plan Review – Commercial Buildings – 6129 Rt. 219

David Paoletta reported that the Town of Ellicottville referred a Special Use Permit and Site Plan Review request by the applicant/property owner for a general classification of commercial plaza in order to lease the property to businesses including professional services; retail; restaurant; medical related; or other consumer oriented services. These potential uses are allowed by special use permit in this district pursuant to the Town of Ellicottville Zoning Ordinance. If approval is granted for a range of potential uses, individual applications will not be necessary when tenants change, as long as they meet the requirements for overall approval. This approach is similar to the approach the Town Planning Board used regarding the freestanding sign on this property. The property has adequate on-site parking. No adverse traffic impact is anticipated. The Town of Ellicottville is adequately addressing SEQR. The proposed project is in compliance with the Town's Zoning Ordinance. This is a local issue with no countywide or inter-municipal concerns. Staff recommendation is approval.

Bill Sprague moved with a second from Robert Keis to approve the Town of Ellicottville's referred Special Use Permit and Site Plan Review request for a general classification of commercial plaza at 6129 Route

219. Carried. Kameron Brooks abstained.

Town of Allegany – Site Plan Review – North 7th Street at Buffalo Road

Terry Martin reported that the Town of Allegany has referred an application for North 7th Street at Buffalo Road for Site Plan Approval on three separate buildings: 1) for modular home to serve as sales office for modular homes; and 2) for consolidation of Duggan & Duggan facilities on site, plus an office building and shop/warehouse. In reviewing the Site Plan, it was noted that there two buildings on one parcel, and the third building is on a separate parcel. The State Office of Local Government Assistance informed us that a Site Plan can only be for one parcel of land, therefore two Site Plans are required in this case. We were advised that this is an administrative issue only, and therefore, staff recommendation is approval of two Site Plans, administrative issue with one site plan for the sales office, and the other for the proposed consolidated facilities, and Town as SEQR Lead Agency.

Discussion on what constitutes a parcel.

James Rich moved with a second from David Rivet to approve the referred Town of Allegany application for North 7th Street at Buffalo Road for two Site Plan Reviews, administrative issue with one site plan for the sales office, and the other for the proposed consolidated facilities, and Town as SEQR Lead Agency for a modular home to serve as a sales office for modular homes, and for consolidation of Duggan and Duggan facilities on second parcel, plus an office building and shop/warehouse. Carried.

Town of Perrysburg – Zoning Law – Re-enactment

David Paoletta reported that the Town of Perrysburg has made changes to their zoning law. However, they adopted the changes prior to referring them to this County Planning Board, which is a procedural issue. State statutes require County Planning Board approval in thee referral cases prior to municipal approval. Staff recommendation is to take no action and to send them a letter informing them of the correct procedure for referral and adoption.

Kameron Brooks moved with a second from David Rivet to take no action on the referred Amendments to the Town of Perrysburg Zoning Law and to send them a letter informing them of the correct procedure for referral and adoption. Carried.

INTERGOVERNMENTAL REVIEWS

David Paoletta reported that three Intergovernmental Reviews have been received. Staff recommendation is received, reviewed, no comment. The members concurred.

REPORTS

Chairman's Report

Annual Meeting – Margaret Puszcz reported that we currently have 116 reservations for the Annual Meeting to be held on May 28th at Holiday Valley in Ellicottville.

Terry Martin reported that The Little Valley Rider's Club and The Crosspatch will be sponsoring a ride of approximately 20 horses over the mountains between Little Valley and Holiday Valley Resort in support of our Annual Meeting's Equestrian theme. The Rider's Club is an Equestrian Riding Club and The Crosspatch is a local boarding stable with a Bed & Barn. They support the efforts of the County for creating a regional trails network. They want to show that people can still ride horses in Cattaraugus County and are demonstrate

this for our event. It is still possible in Cattaraugus County to improve the quality of life for people who love outdoor recreation.

Member's Forum

Millennium Pipeline - Robert Keis asked about the status of the Millennium Pipeline.

Neither Terry nor David had any information on the current status.

Chairman Bishop suggested checking the web site.

Status of Past Planning Board Advisories for the Town of Allegany - James Rich asked if the Planning Board hadn't suggested ascetic plantings for the Shultz car dealership on the corner of West State Street and Independence Drive.

It was the consensus that the Board had, but the Town had not followed through.

Terry Martin stated that David Paoletta has suggested that a "Report Card on Municipalities" could be prepared from past referrals in order to get an idea of how municipalities are acting on County zoning referral discussions and advisories. The Planning Board was receptive to this suggestion.

Start Trail – Kameron Brooks stated that the final engineering design on this 12 mile Rails-to-Trails project is now complete and submitted to the State. They will bid in July with a start of construction in August.

Terry Martin stated that in a recent conversation with Rick LeFeber, it is his understanding that there is a 15 year sunset clause for the Cattaraugus Local Development Corporation to own this 12 mile START trail.

Kameron Brooks affirmed this and stated that it was never the intention of the LDC to maintain the trail forever.

Terry Martin stated that he has asked the Board of Directors for the WNY Land Conservancy if they would be interested in taking over permanent ownership in the coming years, and was told they would be interested in discussing this or other ownership options. We have 15 years to work this out.

Alfred Preservation College - Kameron Brooks reported that classes will be starting in the Fall. They have had zero cooperation from the local school. The Cattaraugus Alumni and the Village are to talk with the LDC. If there is not enough interest, they may have to abandon the idea. The trail has also been a struggle. The LDC doesn't want to get overextended.

Zaepfel Nature Sanctuary & Research Center – Kameron Brooks stated that they have 22 different projects going at the Center. Discussion concerning a possible tour for the Planning Board Members.

Director's Report – On behalf of Tom Livak, Terry Martin stated that the annual meeting is shaping up with Diane Jones, as the Keynote Speaker, with the theme being the Equestrian Lifestyle.

Trails Forum - Terry Martin reported that the interactive Trails Forum has had 400 visits but only 4 or 5 messages have been posted. 100 copies of the Trails study has been downloaded.

Planning Intern – Terry Martin reported that a Planning Intern has been hired from the SUNY/Buffalo School of Architecture and Planning for the summer and will be working with him on priority projects.

Gravel Study - Terry Martin reported that the Gravel Study is still being downloaded – 24 since the first of the year. Over 2,000 copies have been downloaded as free PDF files to date.

STW REPORT

Robert Keis reported that STW will be hosting a highway workshop on August 4, 2003. The focus will be presentations and field demonstrations of new types of technology in the highway industry.

Mr. Keis also reported that STW is working in conjunction with the 71 Appalachia districts to increase the funding level in the House of Representatives to the appropriated level that is currently included in the Senate budget. The President's budget asks for an appropriation of \$33 million for next year's non-highway ARC Program. This is approximately half of the current year's operating budget. The current inclination of the Appropriations Committee in the House is to go along with the President's request. The Senate inclination is to appropriate the authorized level of \$88 million for the non-highway program. The final outcome may be the Senate version or some compromise toward level funding.

Mr. Keis reported that the STW Nominating Committee named the 2003 Officers for the STW Board: Robert Keis, Chairman; John Margeson, Vice Chairman and Mark Thomas, Secretary.

The County Planning Board members congratulated Bob on his election to a second year as Chairman of the STW Board.

Mr. Keis reported that the STW 10th Annual Local Government Conference, held at Houghton College, was a great success. There were approximately 269 attendees, 31 exhibitors, 10 advertisers, and 16 co-sponsors. Erick Laine, Chairman of Alcas Corporation gave the keynote address.

The next meeting of the STW Board will be held on June 19, 2003 at Jamestown Community College, Jamestown, New York where a tour will be conducted of the Manufacturing Technology Institute.

OTHER REPORTS

Applying Design Standards Through Overlay Zoning

David Paoletta distributed copies of a fact sheet that he has prepared on the topic of Applying Design Standards Through Overlay Zoning and reported that he had learned of this technique at the STW Local Government Conference. He briefly reviewed the fact sheet and stated that it will be posted to the Advance Planning Section of the County's Web site (see attached).

Terry Martin reported that he is currently writing the Scope of Services for the new contract with Randall Arendt. It is for \$5,000, and will involve additional training and design work on prototype equestrian facilities.

Lake Erie Forum - Cattaraugus Creek Watershed

Terry Martin stated that as reported previously, the Cattaraugus Creek Watershed grant proposal was withdrawn because of unclear requirements and ground rules within the Lake Erie Forum. We decided to wait a year while these administrative issues in the Forum get cleared up, and to re-submit next year. In the meantime, this will give us additional time to work with stakeholders in regard to Zoar Valley Preservation.

CORRESPONDENCE

Town of Ellicottville – Special Use Permit/Site Plan Review – commercial boarding and riding stable to

include a pole barn and corral to be located at 6679 Lindberg Road – approval subject to the condition that this approval is only for the riding and boarding stable and does not include campgrounds.

Village of Limestone – Area Variance to erect two signs on the same double, wood posts on Bailey Drive – granted.

Ruth L. Pierpont, Director Historic Preservation – Bryant Hill Cemetery, Ellicottville – listed on the State Register of Historic Places and nominated to the National Register.

OTHER BUSINESS

Terry Martin stated that in the past, the County Planning Board had moved around the County during the better weather months for their monthly meetings. He has been in contact with the new Holiday Inn Express in Salamanca concerning holding a meeting there. They have a Grand Room in the Seneca Motif that will hold 20-30 people.

Terry Martin asked if the Planning Board like him to try to arrange a tour of West Salamanca and make arrangements to hold their regular month meeting at the Holiday Inn Express perhaps in September? The Board concurred.

ADJOURNMENT

Jack Berger moved the meeting be adjourned at 8:30 p.m. Carried.

APPROVED AS AMENDED JUNE 26, 2003.

Amendment: Add Charles Couture to the list of members absent.

ATTACHMENT

Applying Design Standards Through Overlay Zoning

As a part of Cattaraugus County’s guidebook series entitled *Smart Development for Quality Communities*, a new guidebook is being developed on the topic of “Saving Our Villages.” In keeping with this theme, various methodologies and zoning techniques are being examined to determine their applicability to preserving and enhancing the character of village downtowns. One such methodology is the application of design standards utilizing an overlay zoning district.

Design Standards

Community design standards can ensure that the physical appearance of new development or improvements to existing properties is compatible with the existing and/or historic character that makes individual villages unique. Design standards or guidelines are intended to provide a basis for local planning and zoning boards to evaluate proposals and to address various concerns related to the physical design of development in a specific area, such as a village business district. They also provide guidance to developers, property owners and businesses in developing proposals for new construction or for the expansion of existing facilities.

Design standards can include various combinations of design criteria and associated characteristics (i.e., materials, color, size, etc.) pertaining to a variety of components common to development proposals and their

review. These include, but are not limited to: architecture and building facades; sidewalks and pedestrian amenities; lighting; signage; building scale and placement (setbacks); landscaping and buffers to neighboring properties; and parking and traffic circulation. The selection of design criteria to be included in a set of community design standards or regulations should be based on the unique qualities and assets of the village as determined by a community consensus. Design regulations can be developed either as part of a local zoning law, integrated into a site plan review law, or as a stand-alone local law. In developing design regulations, both the development review process and design objectives must be clearly articulated and supported with specific review criteria. Once adopted and implemented, the selected criteria can be applied to the design review component of the application process for zoning actions including variances, special use permits and site plan review.

Overlay Zoning

The following is an excerpt from the New York State Department of State publication, ***Creating the Community You Want: Municipal Options For Land Use Control***, which describes the concept of overlay zoning.

“The overlay zoning technique is a modification of the system of conventionally mapped zoning districts. An overlay zone applies a common set of standards to a designated area that may cut across several different conventional or underlying zoning districts. The standards of the overlay zone apply in addition to those of the underlying zoning district. Some common examples of overlay zones are the flood zones administered by many communities under the National Flood Insurance Program, historic district overlay zones, areas of very severe slopes, a waterfront zone, or an environmentally sensitive area.”

In essence, an overlay zone provides a means by which additional criteria can be utilized to evaluate development proposals in designated sections of existing zoning districts. Both overlay zoning requirements and community design standards can be enacted or amended following the same procedures required for typical zoning regulations.

Employing design standards as a supplement to existing zoning in an overlay zone is a technique that, if utilized properly, could preserve and standardize the character of the business district or “downtown” of villages in Cattaraugus County. Since regulations can be tailored to the specific needs of the villages, the unique character of each individual village can be protected. This methodology can also perpetuate a defined vision for the villages and lead to an enhanced sense of community.

Prepared By: David P. Paoletta, Planner, June 2003

Sources of Information

- **Creating the Community You Want: Municipal Options For Land Use Control**, NYS DOS, 1998
- Lori Heithoff, NYS DOS, Southern Tier West RP&DB Local Government Conference, May 2003
- **Planning News**, Winter 2000, New York Planning Federation
- Amendment to Town of Marbletown Zoning Law: Design Standards and Guidelines for Business Districts, 1999