

CATTARAUGUS COUNTY PLANNING BOARD

September 25, 2003

Holiday Inn Express

Salamanca, NY

PLANNING BOARD MEMBERS PRESENT:

Paul R. Bishop, Chairman

William Sprague, Vice Chairman

Paul Mager, Assistant Secretary

Tina Abrams

Kameron Brooks

Charles Couture

Florence Fuller

Robert Keis

Donald Patterson

James Rich

David Rivet

PLANNING BOARD MEMBERS ABSENT:

Ann Padlo, Secretary

Jack Berger

PLANNING STAFF PRESENT:

Thomas M. Livak, Director

Terry H. Martin, Chief Planner

David P. Paoletta, Planner

Margaret E. Puszcz, Stenographic Secretary

GUESTS:

Charles Krause, Vice Chair Development & Agriculture Committee

Richard Swist, Cattaraugus County Consultant

Jody Clark, Seneca Nation of Indians

Dianna Jameison, Seneca Nation of Indians

Sandy Abrams, Owner Grand Center Station

Don Hill, Project Manager

Bill Dibble, Allegany County Legislator

Ron Stuck, Allegany County Planning Board

Kathy Kellogg, Buffalo News

Chairman Bishop called the meeting to order at 7:10 p.m. and welcomed everyone to the meeting and thanked the management of Holiday Inn Express for hosting the meeting tonight and for the tour of the facilities and the refreshments.

APPROVAL OF MINUTES

Donald Patterson moved with a second from Kameron Brooks to approve the minutes of the July 31, 2003 meeting as submitted. Carried.

ZONING REFERRALS

Town of Allegany – Variance –1766 Allegany Street

David Paoletta reported that the Town of Allegany Board of Appeals has referred an area variance request for the construction of an addition (22' x 24') to an existing single-family residence in the north side yard for a bedroom and bathroom to come within 5.5 feet of the side yard property line where a 15 foot setback is required in a C-2 District. The proposed addition will not limit emergency vehicle access to the property or neighboring properties. The neighbor to the north, who would be affected the most by the addition, has reviewed the project plans and has no objection to the project. The proposed addition has the same roof pitch as the original dwelling and will not cause a change in storm water drainage patterns affecting neighboring properties. The area has public sewer and water to easily accommodate the additional bathroom facility and minimal additional storm water runoff. This is a local issue with no countywide or inter-municipal concerns. Staff recommendation is approval.

Kameron Brooks moved with a second from Paul Mager to approve the Town of Allegany Area Variance request for construction of an addition to the residence at 1766 Allegany Street. Carried.

Town of Allegany - Special Use Permit/Site Plan Review – Kinley Sand & Gravel Mine

Terry Martin reported that the Town of Allegany referred a Special Use Permit/Site Plan Review for the addition of 17.5 acres to the current 35 acre Kinley Sand & Gravel Mine at 4468 Lower Birch Run Road for the purpose of overburden storage and disposal of unmarketable mine material. He stated that 30 days have lapsed from date of referral, therefore according to General Municipal Law Section 239-m.4.(b), the municipality has legally proceeded after 30 days without a response from the County Planning Board.

City of Salamanca – Site Plan Review – Grand Center Station

Terry Martin reported that the City of Salamanca referred a Site Plan Review for Grand Center Station - a 16,000 sq. ft. building with a two island gas station and 91 parking spaces at Center Street. He stated that 30 days have lapsed from date of referral, therefore according to General Municipal Law Section 239-m.4.(b), the municipality has legally proceeded after 30 days without a response from the County Planning Board.

INTERGOVERNMENTAL REVIEWS

David Paoletta stated that Intergovernmental Reviews numbered STW #03.036 through STW #03.038 have been received, reviewed, no comment. The Planning Board concurred.

REPORTS

CHAIRMAN'S REPORT

STW Workshop – Terry Martin reported that the Department will be one of the co-sponsors for the STW Planning and Zoning Workshop to be held on November 13, 2003 at the Chautauqua Institution. He also reported that he will be one of the presenters at the session on referral of zoning matters to county planning boards.

Zaepfel Nature Center Ranger Tour – Chairman Bishop thanked Kameron Brooks for arranging for him a Ranger Tour of the Zaepfel Nature Center. Chairman Bishop really enjoyed the tour conducted by Rick White, who is extremely knowledgeable about the Center and the many plant species that exist there. Chairman Bishop believes the project is very worthwhile and encouraged everyone to take a “Ranger Tour”.

Equestrian Festival – Terry Martin reported that on October 4th and 5th the first ever Equestrian Festival will be held in the Village of Franklinville. A committee of 20 people from the Town and Village of Franklinville along with Legislator Jerry Burrell have organized this festival which is being called the “Creekside Round Up”. They will be having a parade, clinics, and many other horse related activities.

Route 219 Record of Decision – Terry Martin reported that on September 4, 2003 the Federal Highway Administration signed the Record of Decision, which selects the Freeway Alternative from Springville to Salamanca after 14 years of study and the expenditure of 12 million dollars or more.

Richard Swist, Consultant, reviewed the State Transportation Improvement Program (STIP) Fact Sheet (attached). He stated that there is \$126.24 million in the STIP for the next three years, October 2003 through September 2006. There was \$59.418 million in the STIP for the years October 2000 through September 2003 which is for design and construction from where the Route 219 divided highway ends at Route 39 in Springville (Erie County) to Peters Road in Ashford (Cattaraugus County).

Mr. Swist indicated that this money is not yet real, but the project is real because it has been included in the recommended Statewide Transportation Improvement Program or STIP. By being listed in the STIP, the federal and state authorization and appropriation processes for transportation will provide funding over the next three years. The money will only be real when the appropriations are made.

PRESENTATION – Grand Center Station

Sandy Abrams, Owner of Grand Center Station and President of Western Door Enterprises and Don Hill, Project Manager gave the following presentation:

Mrs. Abrams stated that she is a Seneca from the Cattaraugus Reservation. She and Mr. Hill both have Masters in Business. Mrs. Abrams was Director of Community Planning for the Seneca Nation of Indians and Mr. Hill was CEO of Seneca Enterprises and Oneida Enterprises. They started Western Door Enterprises in 1996 as a sole proprietorship and microenterprise business. They have mail order cigarettes and they renovate homes with unique features and then rent them to professional people. Their philosophy is to promote local ownership and involvement in order to keep new wealth circulating within the community.

The Grand Center Station Mall concept came about when they heard about properties for sale in the Center Street area. The Mall will consist of stores with 1,000 sq. ft. spaces to 2,400 sq. ft. spaces. They already have a couple of spaces committed.

Donald Patterson asked what kind of motif will the Mall have?

Sandy Abrams stated that the motif will be railroad because Salamanca was influenced so much by the railroads in the past.

Terry Martin asked if Mrs. Abrams would consider changing the motif to coincide with the more Seneca motif, rather than the railroad motif?

Mrs. Abrams stated that the Grand Center Mall project will be completed long before decisions are made for West Salamanca and long before a Casino is designed.

Chairman Bishop asked when the anticipated completion date was for the Grand Center Mall in West Salamanca?

Mr. Hill stated January 30, 2004.

Mrs. Abrams stated that they have several other projects in the works, such as upscale townhouses on five acres near Hampshire Mills. They also currently have own and have purchase options on Valent's property, with no current plans.

Tina Abrams stated that seven members have been appointed to the Casino Board. The first order of business will be to start working on the site selection process.

Chairman Bishop thanked Mrs. Abrams and Mr. Hill for their presentation and wished them well with their projects.

Chairman Bishop asked David Rivet/Tom Livak where the Transportation Plan stands?

Tom Livak stated that they have been talking favorably about updating the Transportation Plan. He is looking forward to working with Dave Rivet and his staff. Currently it is a budgetary item.

David Rivet stated that when the Route 219 Freeway Alternative construction starts, there will be some changes in traffic and road patterns that will need to be addressed early on. We need to start planning for it now.

Terry Martin asked Rick Swist to briefly review the Implementation Strategy for 2003-2004 for Cattaraugus County's Demonstration Projects (copy attached).

Rick Swist reviewed the list of 12 Demonstration Projects in the Route 219 corridor and around the Perimeter of Allegany State Park and described project implementation approaches.

Jim Rich brought to the attention of the Board a letter to the editor that has appeared recently in local new papers from a Bill Norton concerning the Route 219 Freeway. Mr. Rich stated that he felt that there were some inaccuracies in the letter concerning the County Planning Board's involvement in the Route 219 process.

Upon considerable discussion, it was the consensus of the Board not to respond to the letter in any manner.

Tina Abrams stated that the Seneca Nation of Indians Council wanted her to reiterate the Nation's concerns that the agreements New York State made previously with the Seneca Nation about Route 17 need to be resolved before they will discuss any agreements for Route 219.

Jody Clark stated that there are on going discussions and there has been some progress. Nothing has been resolved to date.

Donald Patterson asked Jody if she felt the Cattaraugus County Legislature/County Planning Board should make some recommendations to the DOT about resolving these issues with the Nation?

Jody Clark stated that at this point, no. They are seeing some progress, but if progress stops and there is inactivity, then maybe it would be appropriate.

Chairman Bishop welcomed Tina Abrams, a new member of the County Planning Board and expressed the Planning Board's desire that she become an active member.

Chairman Bishop introduced Ron Steck, Chairman of the Allegany County Planning Board, who was observing.

MEMBERS FORUM

Kameron Brooks reported that the START Trail bids have been opened and the low bidder conditionally accepted. The low bidder is from West Seneca. They tried to use local developers, but they were all over the minimum.

START had hoped to have the trail completed by the end of this year and had expected to turn dirt in April this year. Finally in about four weeks they will get started. Bridges will be done first so snowmobilers can use the trail this winter and the remainder will be done in the Spring 2004.

The County IDA will give the next portion of the rail line to get the Trail to the Village of Cattaraugus and then they have easements through to the Village.

DIRECTOR'S REPORT

Thomas Livak reported that the second grant on behalf of the Snowmobile Federation has been submitted to New York State. They hope to get a few more dollars this year.

Thomas Livak also reported that the Business Development Corporation has been running ads stating that they can help with business plans, funding and training for small business. They held a meeting in Delevan with a record crowd.

STW REPORT

Robert Keis stated that the August meeting of the regional board was spent prioritizing ARC Grant submittals. STW received a total of \$1.3 million in funding requests and only \$750,000 is expected to be available to the region. The good news is that Cattaraugus County's project was ranked #5 out of the 11. The top six ranked projects have a good chance of being funded. The remaining projects would be considered on stand-by, and could only be funded if additional funds become available. The New York State Department of State usually goes along with STW's ranking.

Mr. Keis reported that at the September meeting, the Board learned that the I-86 PRIDE project in Angelica is nearing completion. Volunteers planted more than 350 shrubs and perennials and high school students assisted with mulching the site located at the exit. The NYSDOT Region 6 officials were extremely helpful in developing both the I-86 PRIDE Program and the Angelica project.

Mr. Keis reported, as was mentioned by Terry earlier, that STW will be hold a Planning and Zoning Conference on November 13 at the Chautauqua Institute. There has been a lot of good interest already.

CORRESPONDENCE

The following correspondence has been received:

Kenneth C. Taft, Deputy Regional Permit Administrator, NYSDEC – IA Construction – Lippert Gravel Pit DEIS Scope – acknowledged receipt of written Statements from Cattaraugus County Planning Board and stated that “the following topics will be addressed in the DEIS:

- a. Keeping the South Nine Mile Road (Cattaraugus County Route 60) free of gravel and debris from trucks transporting excavated material to the processing area;
- b. The proximity of the Allegheny River to the excavation area in regards to the potential for

sediment entering the river

c. The impacts to five parcels of land located in the Agricultural District that are adjacent to their mining operation. Two of the parcels are owned by the applicant...”

Barbara “Charlie” Murphy, Assistant Secretary of State – letter to Chairman of the Legislature, Gerard Fitzpatrick stating “...NYS was proud to honor Cattaraugus County last year with the very first Quality Communities Award for Excellence.....the Department of State has launched a new website The “QC Clearinghouse” [www.dos.state.ny.us/qc] provides links to 25 State agencies with brief descriptions of their services and programs to assist local governments. Additionally, we have begun to showcase success stories and model initiatives from communities across the State. To that end, we have included links to the Cattaraugus guidebooks. In fact, we’ve listed them at the top of several pages about Technical assistance and Publications on Planning....”

Notices of Final Actions:

- a. Town of Randolph – Special Use Permit – 12492 Bragg Road – approved.
- b. City of Salamanca – Zoning Map Amendment for 749 Front Avenue and 22, 34 and 44 Center Street – Adopted.
- c. Town of Allegany – Special Use Permit/Site Plan Review – Kinley Sand & Gravel Mine Expansion – approved with conditions.

OTHER BUSINESS

James Rich asked when the new Visitors Center on I-86 will be opening?

Thomas Livak stated that the project is currently three months behind. Therefore, it will be in the Spring.

James Rich asked how it will be staffed?

Thomas Livak stated for the most part by volunteers. There will be a work station there with a computer. He has put some supplies and a computer in the Department’s proposed budget.

James Rich stated that he would like to be one of the volunteers.

Thomas Livak stated that he will certainly make note of Jim’s willingness to be a volunteer.

ADJOURNMENT

Kameron Brooks moved with a second from Chuck Couture to adjourn the meeting at 8:40 p.m. Carried.

APPROVED AS SUBMITTED OCTOBER 30, 2003

FACT SHEET

FUNDING FOR THE PROPOSED ROUTE 219 FREEWAY IN CATTARAUGUS COUNTY, NEW YORK AS LISTED IN STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP)

A. PREVIOUS STIP – October 2002 through September 2004 (2 year)

Section 5: From where the Route 219 divided highway ends at Route 39 in Springville (Erie County) to Peters Road in Ashford (Cattaraugus County)

| | |
|--------------------|----------|
| Detail Design | \$ 2.418 |
| R.O.W. | 3.700 |
| Construction | 51.300 |
| Construction Insp. | 2.000 |

TOTAL \$59.418 MILLION

B. NEW STIP - October 2003 Through September 2006 (3 year)

Section 6: From Peter's Road to Ashford Hollow

| | |
|--------------------|-----------------|
| Detail Design | \$ 1.92 |
| R.O.W. | 0.53 |
| Construction | 47.00 |
| Construction Insp. | <u>3.30</u> |
| | \$52.75 Million |

Section 7: From Ashford Hollow to Irish Hill

| | |
|--------------------|-----------------|
| R.O.W. | \$ 1.59 |
| Construction | 62.20 |
| Construction Insp. | <u>4.30</u> |
| | \$68.09 Million |

Section 8: From Irish Hill to Rt. 242

| | |
|---------------|-----------------------|
| Detail Design | \$ 2.30 Million Total |
|---------------|-----------------------|

Section 12: From east Salamanca across the Allegany River to I-86

| | |
|---------------|-----------------|
| R.O.W. | \$ 0.40 |
| Detail Design | <u>2.70</u> |
| | \$ 3.10 Million |

TOTAL \$126.24 MILLION

C. RECORD OF DECISION FOR ROUTE 219 FREEWAY ALTERNATIVE

The Record of Decision from the Federal Highway Administration and New York State for the Freeway Alternative was released on September 4, 2003.

SOURCE: NYSDOT, Statewide Transportation Improvement Program (STIP), Buffalo Regional Office

Implementation Strategy 2003-2004 Cattaraugus County Demonstration Projects

The recently-concluded planning and market research regarding Route 219 and the Allegany State Park perimeter identified the following potential economic development demonstration projects, grouped on the basis of their primary economic focus:

Industrial and Business Development Projects

- Airport Business Center (on indefinite hold)
- Ashford Business and Education Park
- Ellicottville Business Park
- Railyard Industrial Park

Tourism and Recreational Development Projects

- Ellicottville Tourism Development
- Onoville Marina Park
- Salamanca State Park Village
- Salamanca Trailhead and Connections

Village Revitalization Projects

- Franklinville Park Square Revitalization and Planned Equestrian Community
- Limestone Outdoor Sports and Hospitality Center
- Little Valley Strategic Repositioning – Regional Equestrian Center
- Randolph Strategic Repositioning – Amish Retailing and Touring

The focus has now shifted to project implementation, using the following approaches:

1. Finalize individual project action plans and develop project management and leadership strategies – This will be accomplished through a structured series of meetings involving the county and project stakeholders, beginning with strategy meetings with county officials, proceeding to stakeholder meetings for each project grouping, and concluding with individual project meetings. The goal is to assess the current situation, determine how best to proceed with each project, and allocate available resources as effectively as possible to insure progress. Agreements on how to proceed with a project will be included in memos of understanding among project managers and stakeholders. (Complete by November 7, 2003)
2. Enhance local, regional and Canadian marketing efforts – This will utilize data developed in the project action plans and memos of understanding to update brochures and other materials and disseminate that information in the marketplace. Village marketing brochures have been developed and printed and a draft marketing brochure for industrial and tourism projects is also available. These materials will be mailed to the local and regional development network. Meetings with Buffalo Niagara Enterprise and Empire State Development will determine how best to extend these efforts into the northeastern U.S. and southern Ontario markets. (Complete by December 31, 2003)
3. Provide ongoing technical assistance – This will make expertise available (as resources permit) to resolve implementation problems as they arise on individual demonstration projects. The County has approved technical experts in the areas of engineering and drafting, environmental remediation, finance and budgeting, legal issues, and marketing. This support will be available through the completion of the current support contract on March 31, 2004. (Complete by March 31, 2004)

The goal is to have the maximum number of projects moving forward under their own leadership and

momentum by March 31, 2004.