

Cattaraugus County Planning Board
March 25, 2004
County Center
Little Valley, NY
7:00 p.m.

PLANNING BOARD MEMBERS PRESENT:

Paul Bishop, Chairman
William Sprague, Vice Chairman
Ann Padlo, Secretary
Paul Mager, Assistant Secretary
Tina Abrams
Jack Berger
Kameron Brooks
Charles Couture
Florence Fuller
Robert Keis
David Rivet

PLANNING BOARD MEMBERS ABSENT:

James Rich

PLANNING STAFF PRESENT:

Thomas M. Livak, Director
Terry H. Martin, Chief Planner
David P. Paoletta, Planner
Margaret E. Puszcz, Stenographic Secretary

GUESTS:

Crystal Abers, Development & Agriculture Committee
Joan Petzen, Ag & Farmland Protection Board & Cornell Coop Ext.
Jody Clark, Seneca Nation D.O.T.
Rick LeFeber, Cattaraugus Local Development Corporation
Rick White, LaFarge North America
Angie Marsh, LaFarge North America
Rachel Hutchison, County Resident
Kathy Kellogg, Buffalo News

Chairman Bishop called the meeting to order at 7:06 p.m.

APPROVAL OF MINUTES

Ann Padlo requested a correction on Page 3 under Chairman's Report, second paragraph, "me" to "be".

Ann Padlo moved with a second from David Rivet to approve the February 26, 2004 meeting minutes as submitted. Carried.

NEW BUSINESS

TRANSPORTATION CORRIDOR PLANNING ASSISTANCE

Thomas Livak indicated that the local NYSDOT office has a new resident engineer who has informed us that DOT planning staff in the Mobility Management Bureau offers technical assistance to communities to help solve traffic issues. The assistance does not include funding, but would contribute potential design solutions for merging local to regional levels of traffic flow capacities into a more efficient network, which would lessen the growing pains of changing land use patterns. These transportation planners have already made a preliminary field trip, at the request of the local Resident Engineer to examine the I-86/Rt. 417 corridor from Portville to Olean and Allegany as well as the Randolph area. This assistance could be available to those communities.

Chairman Bishop felt that it would be very helpful to the communities of the Route 417 corridor. Hopefully some solutions could be found for that area.

Mr. Livak stated that this State planning group has made valuable contributions to solving issues in the Horseheads area along I-86. Perhaps this is something that the Planning Board could offer to our communities to see if they would be interested. It is at no cost to the communities.

David Rivet stated that it sounds like a great idea. When the new Route 219 Freeway is constructed, traffic patterns will change. We need to be discussing and planning now for those traffic pattern changes, especially for the county roads.

Upon further discussion, It was the consensus of the Planning Board that a letter should be sent by Chairman Bishop to test the communities interest. If there is interest, then we could invite the State out to meet with the communities.

PRESENTATION

New Gravel Mine Reclamation Techniques – Rick White

Rich White, assisted by Angie Marsh, presented the following: Lafarge North America is the largest diversified supplier of construction materials for the residential, commercial, institutional, and public works building industry and operates in over 75 countries worldwide. Mr. White is currently working with them on a unique reclamation plan for the 146.6 acre gravel mine in the Town of Freedom located in the Elton Creek area. This project is a combination of a variety of habitat types and when completed will include 51+ acres of warm season grass savannah, 22+ acres of Karner Blue Butterfly breeding habitat, 6 acres of wildflowers, 3.4 acres of scrub/shrub, 18 acres of oak-chestnut forest and 18 acres of wet meadow, emergent wetland and open water habitat, with the possibility of interpretive trail routes. Approximately 1.5 miles of Elton Creek will be made available for public fishing access. Also included within the project site are areas that have been reclaimed to cool season grasses and 2 areas that will be allowed to re-vegetate naturally (see detailed project description that is attached).

Upon the conclusion of Mr. White's presentation, Kameron Brooks suggested that a letter be sent to Lafarge encouraging them on their continued commitment to reclaim mining sites, using new techniques. The Board concurred.

Terry Martin stated that the County Planning Board's Gravel Study recommends Planned Unit Developments as one type of reclamation plan for gravel mines. He asked if Lafarge would be interested in a pilot project to demonstrate a Planned Unit Development as a reclamation plan for a gravel mine in Cattaraugus County.

Mr. White stated that he would not know and suggested that the question be made to Lafarge directly.

Chairman Bishop thanked Mr. White and Ms Marsh for their informative presentation and asked them to

keep the Planning Board informed on the progress of this reclamation project in Freedom.

START Trail Status

Rick LeFeber, Cattaraugus Local Development Corporation (CLDC) updated the Board on the status of the START Trail. He stated that the trail should be completed by the end of July 2004. Bridges were completed on the trail in the Fall of 2003 so that the trail could be open for snowmobiling this past winter. They are in the process of obtaining the abandoned rail line between County Road 6 and Setterstix. They are also having dialogue with Gowanda officials so that eventually they can connect the trail all the way to Gowanda. Gowanda is the gateway to Erie County.

They are currently in the process of designing a feeder trail from the County Building parking lot in Little Valley to the START Trail, which will go through the berm. He noted that the county would have naming rights to this feeder trail and suggested the following names: Carol O'Brien, Thomas Livak, Terry Martin or Bill Fox. The CLDC's easement agreement for the trails has become a model across the State. The START Trail ends at the City of Salamanca line. They are continuing to work with the Seneca Nation in order to get the trail through the City so that it can hook up with the trails in Allegany State Park.

Paul Mager asked if four wheelers will be kept off the trail?

Rick LeFeber stated they are required to keep them off because of federal funding.

Ann Padlo asked about horses using the trail.

Rick LeFeber stated that it is a multi-use trail, including use as an equestrian trail.

Chairman Bishop thanked Mr. LeFeber for his status update on the trail.

REFERRALS

Village of Ellicottville – Comprehensive Plan and SEQR Lead Agency

David Paoletta reported that the Village of Ellicottville's Comprehensive Plan is being updated to reflect currently changing conditions and to address anticipated future conditions. The Plan establishes the basis for Village planning and regulation of land use for the purpose of protecting public health, safety and general welfare of its citizens. It is the basis for the future updating of the Village Zoning Local Law and codes. The Village's Comprehensive Plan Committee held a public information meeting on February 17, 2004 and had a thirty-day public comment period. All comments received have been incorporated into the draft plan. The Comprehensive Plan Committee has recommended the draft plan for adoption to the Ellicottville Village Board. The Village is adequately addressing SEQR and is requesting Lead Agency status. This is a local issue with no countywide or inter-municipal concerns. Staff recommendation is approval and concurrence with lead agency status request.

Charles Couture moved with a second from Florence Fuller to approve the Village of Ellicottville's Comprehensive Plan update and concurred with the Village's lead agency status for the SEQR review. Carried.

City of Salamanca - Zoning Text and Map Amendments

David Paoletta reported that the City of Salamanca has referred zoning text and map amendments, which consist of the following:

Article 5, Section 5.1 – Text amendment to add “Maximum Building Separation on Same Lot” column to Area and Bulk Regulations – Density Control Table.

Article 10, Section 10.1 – Text amendment to allow a larger sign (12 sq. ft.) in R-1 Zone for Bed & Breakfasts only. Home Occupation sign maximum remains at 2 sq. ft.

Article 13, Section 13.0, Subdivision 13.0.6(3) – Text amendment to reduce the Zoning Board of Appeals quorum and majority vote requirements from four to three.

Article 3, Section 3.3 - Zoning Map amendment to change the zoning classification of TMP No. 82.023-2-69 from R-1 (Single Family Residential Use District) to I-2 (Restricted Industrial Use District). The property is contiguous to an I-2 Zone and is targeted for future business development.

The City has adequately addressed SEQR. This is a local issue with no countywide or inter-municipal concerns and supported by the City Planning Commission. The proposed zoning law amendments received no opposition at a public hearing held on March 10, 2004. Staff recommendation is approval.

Paul Mager moved with a second from Ann Padlo to approve the City of Salamanca’s referral for Zoning Text and Map Amendments as described above. Carried.

Town of Portville – Site Plan Review – Olean Wholesale Addition

Terry Martin reported that the Town of Portville has referred a Site Plan Review for an expansion to an un-refrigerated warehouse of approximately 33,000 square feet at 1587 Haskell Road (Co. Rd. 27). He stated that this is a courtesy review because the Town is not sure whether or not the existing Flood Control and Land Use Ordinance is actually a Zoning Ordinance for the Town of Portville. Staff recommendation is approval and concurrence with SEQR Lead Agency Status with an advisory that the Town Attorney should research as to whether or not the existing Flood Control and Land Use Ordinance is in actuality a Zoning Ordinance for the Town of Portville.

Ann Padlo moved with a second from Kameron Brooks to approve the referred Site Plan for an expansion to an un-refrigerated warehouse at 1587 Haskell Road and concurrence with SEQR Lead Agency Status with an advisory that the Town Attorney should research as to whether or not the existing Flood Control and Land Use Ordinance is in actuality a Zoning Ordinance for the Town of Portville. Carried.

Town of Ellicottville – SEQR Lead Agency – Elk Creek and Thornbush Trail Subdivisions

David Paoletta reported that the Town of Ellicottville is seeking SEQR Lead Agency Status for two proposed subdivisions. The Elk Creek Subdivision, which proposes 38 single-family lots on 18.3 acres located on Maples Road across from North Wood Drive and the Thornbush Trail Subdivision, which proposes 12 townhouse units and 9 patio homes located off Deer Crossing Road near Holiday Valley Resort. Both of these subdivisions will be referred to the County Planning Board at a later date for further review. Staff recommendation is concurrence with the Town of Ellicottville as Lead Agency for the SEQR reviews of both subdivision projects.

William Sprague moved with a second from Robert Keis to concur with the Town of Ellicottville as SEQR Lead Agency for the Elk Creek Subdivision and the Thornbush Trail Subdivision. Carried.

Resolution Recommending Adoption of Guidebooks

Terry Martin presented to the Planning Board a draft resolution for the County Legislature to adopt Volumes 1 and 2 of the county's guidebook series, as the basis, vision and framework for a new comprehensive plan for Cattaraugus County in the 21st Century. These two planning and design guidebooks received the New York State Governor's Quality Communities Award for Excellence in October 2002, and are described as follows:

Volume 1: A Planning Guidebook for Cattaraugus County - Elements of a Countywide Vision (Smart Development for Quality Communities Series, Cattaraugus County, New York, June 30, 2001).

The Saratoga Associates and Cattaraugus County collaborated in the preparation of this comprehensive planning guidebook. Volume 1 presents a new vision for Cattaraugus County in the 21st Century, as a new foundation for comprehensive planning. It includes topics from traditional planning methodologies, and new topics (e.g., cumulative effects).

Six focus groups were held across the county to develop a consensus on community values and priorities, based on participant's comments, and based on previous work that produced a countywide vision framework, findings from in-depth studies on special topics, and visual preferences among a cross-section of community leaders. This guidebook is the cornerstone for Comprehensive Planning in Cattaraugus County.

Volume 2: A Design Guidebook for Towns and Villages in Cattaraugus County (Smart Development for Quality Communities Series, Cattaraugus County, New York, April 2001).

Randall Arendt and Cattaraugus County collaborated in the production of this design guidebook, with assistance from the Natural Lands Trust of Pennsylvania. Volume 2 includes numerous design concepts and techniques that, when used, allows growth and conserves open space at the same time. Randall Arendt is a nationally recognized consulting expert in the field of rural design and planning.

The ideas and techniques that Randall Arendt presents can be applied to residential, commercial and light industrial land uses for Cattaraugus County and its 47 municipalities. This guidebook includes findings from a visual preference survey, and presents demonstration projects on specific sites for two rural villages (Franklinville and Little Valley, New York). These demonstration projects are meant to serve as local models, and to suggest creative, new ideas to community officials and citizens.

This Design Guidebook also won the **"2002 Livable Community Award"** from a regional group of retired people called Partners for A Livable Western New York for urging better education and designs for the county and its 47 municipalities.

He stated that in 1978 the Cattaraugus County Legislature adopted the County Planning Board's Land Use Plan Year 2000 as an official policy guide for Cattaraugus County, which was amended in 1983. The old 1978 plan is now more than 20 years out of date and the county needs a new cutting edge plan that incorporates Smart Growth and Quality Communities ideas. The 1978 plan would not be superseded at this point and would remain in place, with the new content in the guidebooks taking precedence. He recommended that the County Planning Board request the County Legislature to initiate the process to adopt these two guidebooks.

Charles Couture moved with a second from Ann Padlo that the Cattaraugus County Planning Board requests the Cattaraugus County Legislature to Adopt Guidebooks Volume 1 and 2 of the County's Smart Development for Quality Communities Series As the Initial Portion of a New County Comprehensive Plan for the 21st Century. Carried.

NYSDEC LEGISLATIVE HEARINGS SCHEDULED FOR FARMERSVILLE LANDFILL

Terry Martin reported that NYSDEC is holding legislative hearings in front of an Administrative Law Judge on March 30th in Allegany and March 31st in Franklinville. It is his understanding that if we want the Planning Board's letter that was submitted to NYSDEC in December, 2003 to be considered by the Judge that it must be re-submitted at one of these hearings.

It was the consensus of the Planning Board that the December 30, 2003 letter to NYSDEC should be re-submitted with a new cover letter to one of the March hearings. Chairman Bishop stated that he would be willing to go to the Allegany hearing and resubmit the Planning Board's December letter with a new cover letter.

Terry Martin said that the cover letter should highlight the areas where the applicant's Supplemental EIS is inadequate, requesting special studies to fill the gaps on traffic safety and fish habitats.

William Sprague stated that according to the County's Environmental Attorney Mike Gerard, the numbers will not sway but will impress the Judge.

William Sprague also stated that the three areas of concern that he has are: lesser liner and cover, water amount and residential sewage.

Considerable discussion.

Jody Clark, Seneca Nation D.O.T., questioned the impact of the trucking issue and the Emergency Services.

Terry Martin explained the cumulative impact of the truck trips and the anticipated impact on Emergency Services.

Tina Abrams stated that the Seneca Nation Tribal Council resolved on March 13th to oppose the proposed solid waste landfill in Farmersville, NY because they realized that this landfill could affect the quality of life in the future to their seventh generation. She presented a letter from the Seneca Nation President, Rickey L. Armstrong, Sr. to the County Planning Board concerning this opposition (see attached letter).

David Rivet stated that the original justification for locating this massive landfill here was that the Fresh Kills landfill downstate was soon to be closing and there was going to be a domino effect from this closing. The current reality is that the Fresh Kills landfill is closed and the domino effect hasn't happened yet.

Considerable discussion concerning this reasoning and the requested variances.

Southern Tier Expressway (I-86/NY RTE 17) Design Report

Terry Martin reported that NYS DOT has requested that we review their Design Report for the Southern Tier Expressway I-86/NY RTE 17, Olean North City Line through Hinsdale to Cuba. Landscaping/beautification is proposed for the Hinsdale Exit. Paul Miller of Southern Tier West has recommended that we suggest something similar to the Angelica Exit off I-86.

Joan Petzen stated that exits in Sullivan County also have good landscaping.

Ann Padlo suggested a theme of Johnny Appleseed and/or the Genesee Barge Canal is located near to Hinsdale.

Terry Martin suggested statues of a mastodon family, similar to the use of Bison statues at the I-90 and I-190

interchange in Buffalo) since the terminus of the last ice age glaciers is located near Hinsdale.

Ann Padlo moved with a second from Florence Fuller and Charles Couture to send a letter to NYSDOT recommending landscaping/beautification at the Hinsdale Exit be similar to the Angelica Exit off I-86 or those in Sullivan County and to bring the following ideas to their attention for consideration as themes for landscaping at the Hinsdale interchange: (1) The historic Genesee Barge Canal is located very near to Hinsdale and offers artifacts linking it to the Restored Erie Canal System in New York State, and (2) This location is near the terminus of the last ice age glaciers, and mastodon bones have been found to the east, north and west of this location. It would create a major statement for New York State to install statues of a small family of mastodons at this interchange (the use of Bison statues at the I-90 and I-190 interchange in Buffalo is very impressive). A mastodon family at the Hinsdale location would gain international attention. Carried.

INTERGOVERNMENTAL REVIEWS

David Paoletta reported that two Intergovernmental Reviews have been received (STW#04.004 and 005). Staff recommendation is received, reviewed, no comment.
The Planning Board concurred.

OTHER BUSINESS/REPORTS

Chairman's Report

Annual Dinner Meeting – June 9th – Margaret Puszcz reported that arrangements have been made with Premier Banquet Center, Olean as the location of the dinner meeting. Paul Marra, owner is also looking into purchasing the necessary equipment so that the program could be via interactive video.

Community Leadership Award – Chairman Bishop stated that he had been thinking about a way to honor Donald Patterson. One way would be to change the name of the Torrance Brooks Community Leadership Award to the Brooks-Patterson Community Leadership Award. This change has the blessing of Kameron Brooks and his mother, Chairman Bishop reported.

Kameron stated that his mother said that Don was a good gentleman why not.

It was the consensus of the Planning Board to change the name of the Torrance Brooks Community Leadership Award to the Brooks-Patterson Community Leadership Award.

MEMBERS FORUM

Charles Couture stated that Senator Schumer has conducted hearings on the West Valley Demonstration project on the debate if the Department of Energy walks away or if NYSEDA will hold out as to when the actual cleanup is down.

Director's Report - no report.

STW Report – Robert Keis reported that STW has launched its new website www.discoversouthwestny.com. They are receiving a huge number of hits on it each day. He suggested that the Planning Board members might want to check it out.

Mr. Keis reported that the Southern Tier West Annual Dinner meeting will be held on May 20th at the Nic-L-Inn, South Valley and the Local Government Conference will be held on May 13th at Houghton

College.

Mr. Keis also reported that the Southern Tier West Board has passed a resolution in support of the Seneca Nation and requesting NYS to honor all of its treaties.

Tina Abrams thanked Robert Keis and the Southern Tier West Board for their support.

Agriculture Standing Committee – David Paoletta reported that the Agricultural and Farmland Protection Board has discussed moving forward with the preparation of an Agricultural and Farmland Protection Plan, separate from the Cattaraugus Creek Watershed proposal with a focus on the economic viability of farming. They are currently searching for a planning matching grant to cover the state required \$10,000 County cash match in addition to in-kind services as well as seeking farm friendly organizations that would help with the cash match requirement. He stated that a meeting is scheduled between him, Tom Livak, Joan Petzen and Brian Davis to discuss the next steps.

Robert Keis stated that with the passing of Donald Patterson, a third member will need to be appointed to the Agriculture Standing Committee.

CORRESPONDENCE

The following correspondence was received:

Village of Ellicottville – Conditional Use Permit for rental of a single family dwelling unit for periods less than 30 days at 30 Jefferson Street – granted.

ADJOURNMENT IN MEMORY OF DONALD PATTERSON

Paul Bishop, Chairman stated, “When I was first appointed to the Planning Board, Don helped me understand my role, and even after he stepped down as Chairman and I became Chairman, he continued to help me. I had great respect for him.”

William Sprague, Vice Chairman and County Legislator said, “I served as Vice Chairman when he was Chairman, he was a gentleman in every respect”.

Kameron Brooks stated, “He was a very interesting and knowledgeable person, and he really loved his farm.”

Charles Couture said, “Don was a member and President of the BOCES Board when I was teaching agriculture. He took me aside and encouraged me on my teaching. He never came across as the boss but as an equal”.

James Rich stated via email, “I respected him a lot as he always spoke his mind, after careful thought, and he certainly did his share in helping his county think about the future, through planning”.

Jack Berger moved with a second from Kameron Brooks that

(1) The March 25, 2004 meeting of the Cattaraugus County Planning Board be adjourned in memory of Donald K. Patterson, who passed away on March 13, 2004 at the age of 77;

(2) A letter of condolence be sent to his family from the Cattaraugus County Planning Board members and staff;

(3) The Cattaraugus County Planning Board recognizes that Donald K. Patterson

- a) Was a Charter member of the Cattaraugus County Planning Board for the past 42 years, since its creation in 1961 by the Cattaraugus County Board of Supervisors,
- b) Served on the Cattaraugus County Planning Board from August 1, 1961 to the present, was Chairman from 1990 to 1997, was Vice Chairman in 1989 and was Secretary from 1968 to 1988 and from 1965 to 1966,
- c) Under his leadership as Chairman, the County Planning Board created an annual Three Year Plan and laid the groundwork for major planning projects for Route 219 highway expansion, Route 16 community revitalization, and the countywide, 21st Century Goals and Visioning project,
- d) Received the Total Quality Management Award in 1994 from the Cattaraugus County Legislature for Outstanding Achievement in Total Quality Management of the County's Planning Program, for reducing the program while improving its effectiveness with public participation utilizing community forums and focus groups,
- e) Created, in 1993, the County Planning Board's new slogan, "Sunrise in Cattaraugus County",
- f) Was a member of Shriner's No. 1 of Gowanda, the Masonic Lodge of Gowanda, Ishmailia Temple, and the Gowanda Moose, was a past member and President of the Erie County 2 BOCES and Gowanda School Board,
- g) Served in the Navy during World War II, including field testing original radar technology, and was a graduate of Blasdell High School, Blasdell,
- h) Owned and operated a dairy farm, raised beef cattle and had grape vineyards in the Town of Perrysburg, and did custom harvesting of grapes for several years,
- i) Is survived by his wife, Gloria D. Zagarino Patterson of Perrysburg; a son, Gary J. Patterson of Perrysburg; two daughters: Linda A. Como of Howell, NJ, and Darlene K. Patterson of Perrysburg, and two granddaughters, Alexandra and Krista Como of Howell, NJ.

Mr. Patterson was an effective community leader, and his presence will be missed and sadly felt by his family, friends and colleagues in Cattaraugus County.

Motion Carried Unanimously.

APPROVED AS SUBMITTED APRIL 30, 2004.