

Cattaraugus County Planning Board
April 29, 2004
County Center
Little Valley, NY
7:00 p.m.

PLANNING BOARD MEMBERS PRESENT:

Paul Bishop, Chairman
Paul Mager, Assistant Secretary
Jack Berger
Kameron Brooks
Charles Couture
Florence Fuller
Robert Keis
David Rivet

PLANNING BOARD MEMBERS ABSENT:

William Sprague, Vice Chairman
Ann Padlo, Secretary
Tina Abrams
James Rich

PLANNING STAFF PRESENT:

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

GUESTS:

Linda Witte, County Legislator District 10
Joan Petzen, Ag & Farmland Protection Board & Cornell Coop Ext.
Carol Horowitz, Planning Consultant, Town of Mansfield
Connie Walker, Councilwoman, Town of Yorkshire
Kathy Kellogg, Buffalo News

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

APPROVAL OF MINUTES

Charles Couture moved with a second from Florence Fuller to approve the March 25, 2004 meeting minutes as submitted. Carried.

NEW BUSINESS

General Municipal law Section 239 Referrals

Town of Mansfield – Revised Comprehensive Plan

Terry Martin reported that the Town of Mansfield has referred their revised Comprehensive Plan, which is an update of their 1991 Master Plan and request for Lead Agency status.

Carol Horowitz, consultant to the Town of Mansfield briefly reviewed the various changes made to update the plan and stated that the policies are similar to the current plan.

Terry Martin stated that staff recommendation is approval.

David Rivet moved with a second from Paul Mager to approve the revised Comprehensive Plan for the Town of Mansfield and to concur with SEQR Lead Agency status. Carried.

Town of Mansfield – Area Variance – 7228 Maples Road

Terry Martin reported that the Town of Mansfield has referred an Area Variance for a 20 foot easement in lieu of road frontage at 7228 Maples Road (County Road 13).

Robert Keis stated that the Town requires a 50 foot right of way. The lot size is three acres and fits the character of the area. Therefore, the Town is willing to agree to the 20 foot easement in lieu of road frontage.

Terry Martin stated that staff recommendation is approval.

Charles Couture moved with a second from Kameron Brooks to approve the Town of Mansfield's referred Area Variance for a 20- foot easement in lieu of road frontage at 7228 Maples Road (County Road 13). Carried.

Town of Mansfield – Special Use Permit – 6253 Toad Hollow Road

Terry Martin reported that the Town of Mansfield has referred a Special Use Permit request for a home occupation to open a dog grooming business at 6253 Toad Hollow Road (County Road 14). This property is within 500 feet of the Southwest Agricultural District. An Ag Data Statement has been submitted. There will be no adverse effect on the agricultural land. It is a local issue with no countywide or inter-municipal concerns. Staff recommendation is approval.

William Sprague asked if off street parking had been provided for?

Robert Keis replied yes, there is a large front yard with a circular driveway.

Charles Couture moved with a second from Kameron Brooks to approve the Town of Mansfield's referred Special Use Permit request for a home occupation to open a dog grooming business at 6253 Toad Hollow Road (County Road 14). Carried.

Town of Ellicottville – Special Use Permit/Site Plan Review – 6600 Rt. 219

David Paoletta reported that the Town of Ellicottville has referred a Special Use Permit and Site Plan Review for conversion of an existing manufacturing building into a design showroom and retail space at 6600 Rt. 219, which is one parcel north of the interchange with Route 242. The store is relocating from a location within the Village. It is a local issue with no countywide or inter-municipal concerns. Staff recommendation is approval.

David Rivet moved with a second from Robert Keis to approve the Special use permit and the Site Plan for conversion of an existing manufacturing building into a design showroom and retail space at 6600 Rt. 219. Carried.

Town of Yorkshire – Site Plan Review/SEQR Lead Agency – 11802 Rt. 16

David Paoletta reported that the Town of Yorkshire has referred a Site Plan Review for a new asphalt production plant to be operated by Gernatt Asphalt Products at 11802 Route 16 near Olean Road. They are also requesting SEQR Lead Agency Status for the Town Planning Board. The Site Plan appears to be adequate except that it shows a general parking area instead of delineated parking spaces. The Town Zoning Ordinance requires delineated parking spaces. As far as the SEQR Lead Agency Status request, the County Planning Board should concur with the Town Planning Board as the Lead Agency.

Connie Walker, Councilwoman from the Town of Yorkshire expressed several concerns that she has about this project such as additional truck traffic to and from the plant. It was indicated at the Town's meeting that the plant will be capable of producing 400 ton of material per hour with an average daily production of between 1500 and 2000 tons during the construction season. The raw material will be brought to the plant, processed and then delivered from the plant. By her calculations, this would mean approximately 166 trucks a day to carry the aggregate in and an additional 166 trucks a day to carry the aggregate out. This plant will be less than ½ mile from the middle school on the Olean Road.

Discussion concerning the project and the truck traffic issues.

David Paoletta stated that the only things before the Board at this time are the Site Plan Review and the request for SEQR Lead Agency status. The traffic issue can be addressed during the SEQR process. Staff recommendation would be to concur with the Lead Agency status and to approve the Site Plan with an advisory concerning the delineation of the parking spaces and then send a separate letter expressing the Board's concerns about the potential truck traffic and safety issues.

Kameron Brooks moved with a second from Charles Couture to approve the Site Plan with an Advisory that the since the Town Zoning Ordinance requires delineated parking spaces on a Site Plan, the Town should request a modification of the Site Plan to include delineated parking spaces instead of a general parking area. Carried.

Robert Keis moved with a second from Paul Mager to concur with the Town Planning Board as SEQR Lead Agency and to send a separate letter expressing the Board's concerns regarding the amount of truck traffic that will be generated by the project and the potential for traffic safety issues in the Route 16 corridor due to the high volume (estimated to be in excess of 300 vehicles per day) of truck traffic transporting both raw materials to the site and finished product from the site and would recommend that the truck traffic issues be addressed through the SEQR process with assistance from the NYS Department of Transportation and cooperation of the applicant. Carried.

Town of Franklinville – Special Use Permit – 3024 Bakerstand Road

Terry Martin reported that the Town of Franklinville has referred a Special Use Permit request to operate a Bed and Breakfast in a single family dwelling at 3024 Bakerstand Road. This home is located next to an active retail building supply store, within 500 feet of two municipal boundaries, a stream right-of-way and across the street from agriculturally productive land (which is not in an agricultural district, thus not requiring the submission of an Ag Data Statement) and is consistent with the local Town Zoning. Staff recommendation is approval.

David Rivet asked if there is sufficient off street parking, because if there is not sufficient off street parking, parking on Bakerstand Road could cause traffic safety problems.

Terry Martin stated that the Board could approve the request with an advisory concerning the off street parking issue.

Robert Keis moved with a second from David Rivet to approve the Town of Franklinville's Special Use Permit request to operate a Bed and Breakfast in a single family dwelling at 3024 Bakerstand Road with an advisory that the Town's approval should requires identification of off street parking for the Bed and Breakfast (at no time should parking be permitted on Bakerstand Road). Carried.

Town of Franklinville – Special Use Permit – 2184 Lyndon Road

Terry Martin reported that the Town of Franklinville has referred a Special Use Permit request to place a small storage shed about 300 feet away from the Lyndon Road right-of-way to display and sell craft items at 2184 Lyndon Road (County Road 24). This is local issue, and staff recommendation is approval with an advisory concerning the identification of off street parking.

Charles Couture moved with a second from Kameron Brooks to approve the Town of Franklinville's Special Use Permit request to place a small storage shed about 300 feet away from the Lyndon Road right-of-way to display and sell craft items at 2184 Lyndon Road with an advisory that the Town approval should require identification of off street parking near the small storage shed (at no time should parking be permitted on Lyndon Road). Carried.

Changes to General Municipal Law Section 239-c

David Paoletta stated that currently General Municipal Law Section 239-c allows members of municipal boards and legislative bodies to be a member of a County Planning Board with the caveat that they not vote on any issues from their municipalities. However, effective July 1, 2004, Section 239-c of General Municipal Law will require that county planning board members excuse themselves from any deliberation or vote relating to a matter before such county planning board which is or has been the subject of a proposal, application, or vote before the municipal board of which they are simultaneously a member.

The Orleans County Planning Board is conducting a survey of other County Planning Boards to determine the effect this law will have on the ability of County Planning Board's to function.

Discussion concerning the implications of this new law. It was determined that there are four members who represent municipal boards. This new law could result in not being able to vote on a matter before the Planning Board, particularly if there were just a quorum to hold the meeting initially.

The Planning Board requested that David Paoletta contact Orleans County to find out what they plan to do with the information from the survey and to find out where a letter of concern should be sent and to copy Senator Patricia McGee and Assemblywoman Young. Mr. Paoletta will draft a letter from the Chairman to our State representatives expressing the Planning Board's concerns.

Intergovernmental Reviews

David Paoletta reported that one Intergovernmental Review has been received (STW #04.008). Staff recommendation is received, reviewed, no comment. *The Planning Board concurred.*

OLD BUSINESS

Adoption of Guidebooks

Terry Martin reviewed the schedule for the adoption of Cattaraugus County's Comprehensive Planning and Design Guidebooks (Volumes 1 and 2 of Cattaraugus County's Smart Development for Quality Communities Guidebook Series) as the initial components of a new Comprehensive Plan for the 21st Century and requested this schedule be attached to the minutes for the public record for future reference (see attached). A Public Hearing has been scheduled, per General Municipal Law, Article 12-B Section 239-d (6), for the May 26th meeting of the County Legislature at 3:01 p.m. At the conclusion of the hearing, Chairman Bishop will make a presentation to the Legislature on the Guidebooks, after which hopefully the Legislature adopts the Guidebooks. Terry asked if there were other Planning Board members who could attend the meeting in support of the adoption of the Guidebooks? Kameron Brooks, Jack Berger, David Rivet and Florence Fuller indicated that they will try to be present.

Annual Dinner Meeting – June 9th

Terry Martin reported that several topics have been looked at for the theme for this year's annual meeting, including Comprehensive Planning, and Snowmobile Trails and their economic impact on the County.

Chairman Bishop stated that the Board needed to decide on the recipient of the Community Leadership Award for this year.

Upon discussion, it was the consensus to give two awards this year, which will be announced at the Annual Dinner Meeting on June 9th.

Agricultural and Farmland Protection Plan

David Paoletta reported that at recent meetings of the Cattaraugus County Agricultural and Farmland Protection Board, methodologies for the development of an Agricultural Farmland Protection Plan for Cattaraugus County were discussed and a definite need for such a plan was established. Funding for such a plan development can be obtained through a matching grant program from New York State. A County cash contribution of \$10,000 would be required. Tom Livak had David present the proposal to the Development and Agriculture Committee, who then recommended to the full Legislature that they authorized the County Agricultural and Farmland Protection Board to develop and submit an application for a matching State grant in the amount of \$50,000 for the development of an Agricultural and Farmland Protection Plan for Cattaraugus County and also authorize the appropriation of \$10,000 to meet the required County cash contribution for the project. On April 28, 2004, the County Legislature authorized the development and submission of the grant application and also authorized the appropriation of \$10,000 to meet the required County cash contribution. There will also be \$40,000 of in-kind services, which will come from Cattaraugus County, and agencies including Cornell Cooperative Extension, Soil and Water, Farm Bureau, and National Resource Conservation Service.

Joan Petzen, Chairwoman of the Agricultural and Farmland Protection Board extended a thank you to Tom Livak and David Paoletta for taking this to the Legislature. It is a good step forward for agriculture in Cattaraugus County.

Carol Horowitz stated that maintaining the rural character and the working landscape in Cattaraugus County can drive the pricing of housing and increase property values.

REPORTS AND OTHER BUSINESS

Chairman's Report

Appointment to the Agriculture Committee – He wishes to delay this appointment until we have a replacement for the current vacancy on the Board.

Southern Tier Expressway – Exit 24 to Hastings Road – Improvements

Terry Martin reported that NYS Department of Transportation has requested that the County Planning Board review and comment on their proposed project for improvement alternatives for the section of Interstate 86 between West Five Mile Road (interchange 24) and Hastings Road in the Towns of Allegany and Olean and the City of Olean. These are improvements such as pavement and bridges. Staff recommendation is to send a letter of approval.

David Rivet moved with a second from Paul Mager to send a letter of approval to NYS Department of Transportation concerning their proposed Southern Tier Expressway improvements from Exit 24 to Hastings Road in the Towns of Allegany and Olean and the City of Olean. Carried.

Route 219 Freeway Funding Request Letter to Congressmen Jack Quinn and Amory Houghton

Terry Martin reported that County Legislature Chairman Jess Fitzpatrick has sent a letter to Congressmen Jack Quinn and Amory Houghton requesting funding for the Route 219 Freeway be included in the new congressional federal highway bill. This letter was sent in light of the respective, announced retirements of both Congressmen as their significant combined service records to our state and nation and expressing a desire to see the Route 219 freeway funding added to those records.

Member's Forum

Hazardous Traffic Intersection – Town of Carrollton/Village of Limestone

Florence Fuller, who is also a Councilwoman for the Town of Carrollton stated that the Town of Carrollton and the Village of Limestone are very concerned about an intersection in these communities. It is almost impossible to turn onto Route 219 at this intersection and would like to see a traffic signal installed there.

It was noted that David Paoletta had recently been appointed by County Legislature Chairman Fitzpatrick to the Cattaraugus County Traffic Safety Board. It was suggested that perhaps the County Planning Board could send a letter on behalf of the Town of Carrollton and the Village of Limestone to the County's Traffic Safety Board requesting them to look into the matter.

David Rivet stated that the County's Traffic Safety Board has not met recently and they would probably only refer it to the NYS Department of Transportation Regional Office. He, therefore, felt that the Town of Carrollton and the Village of Limestone should write directly to the DOT's Regional Director.

Robert Keis recommended that the respective Town and Village Board's pass resolutions that could then be sent to the Regional Director. He felt that resolutions would carry more weight than just letters.

Director's Report

I-86 Information Center

Thomas Livak reported that the new rest stop near the Village of Allegany on I-86 with its Information Center has an anticipated opening date in late summer. The County will be staffing the Center primarily with volunteers. He is currently in the process of recruiting volunteers.

Empire Zone Boundary Changes

Thomas Livak reported that the Department has completed the SEQR on the boundary changes for the Empire Zone. David Paoletta completed the SEQR forms and resolutions while Joseph Williams did the GIS mapping work. The changes have concentrated on industrial property.

STW Report

Robert Keis reminded and encouraged the Board members to attend Southern Tier West's Annual Local Government Conference on May 13th at Houghton College.

Mr. Keis reported that STW hosted two very successful meetings with business service organizations throughout the three counties on emerging entrepreneurial issues. At the March meeting, the group discussed forming the following committees; Training, Venture Capital, Alumni marketing Campaign, Education Marketing Campaign, Marketing Materials/Literature, Website Development, One-Stop Clearinghouse, and Media Ad Campaign. Plans are underway for a Technology conference to be held this fall at Holiday Valley in Ellicottville. A committee of local communications companies is in the process of developing the agenda. Richard Zink, Assistant Director of Southern Tier West, stated that breakout sessions at the conference would include: Staffing/ Workforce Development, Technology, and communications access.

Mr. Keis also reported that the application deadline for the FY2005 Appalachian Regional Commission Area Development Program is Friday, June 11, 2004. A project proposal must address one of the five goals of the ARC.

Mr. Keis stated that the STW Annual meeting will be May 20, 2004 at the Nic-L-Inn in South Valley, New York. Paul Raetsch, Regional Director of the Economic Development Administration, Philadelphia, PA will be the keynote speaker.

CORRESPONDENCE

The following correspondence was received and reviewed:

City of Salamanca – Amendments to the Zoning Law – Approved 4/14/04.

Town of Portville – Site Plan Review for expansion to un-refrigerated warehouse of approximately 33,000 square feet at 1587 Haskell Road (Co. Rd. 27) – approved.

Town of Allegany – Will accept the invitation to participate in reviewing transportation land use issues in the I-86/Route 417 Corridors.

ADJOURNMENT

David Rivet moved with a second from Jack Berger to adjourn the meeting at 9:15 p.m. Carried.

APPROVED MAY 27, 2004 AS SUBMITTED.

**Schedule for Adopting Guidebooks As Initial Portion of
A New Comprehensive Plan for the 21st Century
By the Cattaraugus County Legislature – 2004***

April 2004

4/7 - Development & Agriculture Committee Reviewed

Resolution No. 1 (SEQR) Requesting Lead Agency Status for Cattaraugus County on Adoption of Planning and Design Guidebooks (Volumes 1 and 2) at 4/14 Legislature Meeting, and authorizing mailing to 47 municipalities and to Interested Agencies with regard to 30 day comment period

4/14 - 3:00 pm - Legislature Meeting – Approving **Resolution No. 1 (SEQR)**

4/15 - Mail SEQR 30-Day Request for Comments on Lead Agency

Request for Guidebooks Adoption, to 47 Municipalities and Interested Agencies and Letter of Referral to Legislative Bodies and Planning Boards of municipalities and to the Regional Planning Board, NYS Department of State and NYSDEC

4/27 - Prefiled **Resolution No. 2 (Public Hearing)** Establishing a Public Hearing date on the Adoption of Planning and Design Guidebooks (Volumes 1 & 2)

May 2004

5/5 - Development & Agriculture Committee to Review

Resolution No. 2 (Public Hearing) on the Public Hearing date on the Adoption of Planning and Design Guidebooks (Volumes 1 & 2)

5/11 - Prefile **Resolution No. 3 (Lead Agency)**, which establishes Cattaraugus County as the Lead Agency and Issuing A Negative Declaration on Adoption of Guidebooks, and **Resolution No. 4 (Adoption)**, which is the Cattaraugus County Legislature Adopting Guidebooks, pending results of public comment period

5/12 - Legislature Meeting – Approving **Resolution No. 2 (Public Hearing)** Establishing a Public Hearing date on the Adoption of Planning and Design Guidebooks (Volumes 1 & 2)

5/13 - Mail Public Hearing Notice to newspapers and public

5/15 - 30-Day Comment Period Ends on SEQR Lead Agency Status and Referral to Legislative Bodies and Planning Boards for comments

5/19 - Development & Agriculture Committee to Review

Resolution No. 3 (Lead Agency) establishing Cattaraugus County as Lead Agency and issuing a Negative Declaration, and **Resolution No. 4 (Adoption)** on Adoption of Guidebooks

5/26 - 3:00 pm Legislature Meeting – Hold Public Hearing on Adoption of Guidebooks, Approving **Resolution No. 3** Affirming Lead Agency Status and Accepting Negative Declaration, and **Resolution No. 4** Adopting the Guidebooks As the Initial Portion of A Comprehensive Plan for Cattaraugus County for the 21st Century