

Cattaraugus County Planning Board
June 24, 2004
County Center
Little Valley, NY
7:00 p.m.

PLANNING BOARD MEMBERS PRESENT:

Paul Bishop, Chairman
William Sprague, Vice Chairman
Paul Mager, Assistant Secretary
Jack Berger
Tina Abrams
Charles Couture
Florence Fuller
Robert Keis
James Rich

PLANNING BOARD MEMBERS ABSENT:

Ann Padlo, Secretary
Kameron Brooks
David Rivet

PLANNING STAFF PRESENT:

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

GUESTS:

Scot Hammond, RV Resort, Town of Little Valley
Tim Zimbardi, RV Resort, Town of Little Valley
Joan Petzen, Chairwoman, Ag & Farmland Protection Board Kathy Kellogg, Buffalo News

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

APPROVAL OF MINUTES

David Rivet submitted two corrections to the minutes: "Page 8, last sentence under "Trails Study Update", replace "DPW with START" and Page 9, last line replace "isle" with "aisle".

Charles Couture moved with a second from James Rich to approve the May 27, 2004 meeting minutes as corrected. Carried.

NEW BUSINESS

General Municipal Law Section 239 (l) & (m) Referrals

Town of Little Valley – Special Use Permit – 4768 Route 353 – RV Resort

David Paoletta reported that the Town of Little Valley has referred a Special Use Permit request for the construction of an RV resort with approximately 85 sites and amenities at 4768 Route 353 (next to the Elkdale Country Club). The property is zoned Residential and the land use is vacant agricultural. This type of project is allowed by the Town Zoning Ordinance by Special Use Permit. The project is located adjacent to Agricultural District properties. An Ag Data Statement has been submitted with no impact on agriculture anticipated. SEQIR is being adequately addressed by the Town. There are no environmental concerns such as wetlands, floodplains or streams, and no inter-municipal or countywide concerns.

Scot Hammond, owner stated that the resort will be able to accommodate all types of RV's. He also plans to install

"Park" models that can be rented.

James Rich stated that he believes the golf course owns the property right up to the pond.

Mr. Hammond stated yes that is correct. He also noted that the golf course is very interested in his proposed project and wants to work out golf packages with him. He doesn't believe that there is any community opposition.

William Sprague asked about property taxes on the park units.

Mr. Hammond stated that the question is whether they are mobile or permanent. The manufacturer says that they are mobile and not taxable.

Chairman Bishop asked if the resort will be open year round?

Mr. Hammond stated that they are looking into the possibility because of the Casino and Holiday Valley.

William Sprague asked about the sewer system.

Mr. Hammond stated that there is a huge system on site because of the former store plus there are two other systems.

David Paoletta stated that staff recommendation is approval.

Paul Mager moved with a second from Florence Fuller to approve the referred Town of Little Valley Special Use Permit request to construct an RV Resort with amenities at 4768 Route 353. Carried.

Village of Little Valley – Area and Use Variance – 309 4th Street – Mobile Home

David Paoletta reported that the Village of Little Valley has referred a Use and Area Variance to locate a mobile home as rental property at 309 Fourth Street. The site is too small for a house and meets the criteria for a use variance. He did a site visit and the land is level with houses on both sides. There appears to be no other practical use for the property. Two parcels down there is another mobile home, so placing a mobile home on this lot will not change the community character. The rear setback cannot be met requiring an Area Variance. However, the applicant owns the undeveloped property bordering on the rear lot line. Staff recommendation is approval.

William Sprague moved with a second from James Rich to approve the referred Village of Little Valley Area and Use Variances to locate a mobile home at 309 Fourth Street. Carried.

City of Salamanca – Zoning Map and Ordinance Amendment

David Paoletta reported that the City of Salamanca has referred a Zoning Ordinance and Map Amendment that will amend its entire zoning ordinance to allow multiple family dwellings in all R-1 Zoning Districts by Special Use Permit because the City is experiencing a lack of housing. Any new construction or renovations to existing structures will be closely monitored by the Code Enforcement Officer and through the Site Plan Reviews process. There were no comments at the public hearing held on May 26, 2004. They have issued a SEQNR Negative Declaration. Staff recommendation is approval.

Jack Berger moved with a second from Robert Keis to approve the referred City of Salamanca Zoning Map Amendment to allow multiple family dwellings in all R-1 Zoning Districts by Special Use Permit. Carried.

Town of Allegany – Zoning Map and Text Amendment

Terry Martin reported that the Town of Allegany has referred Zoning Map and Text Amendments regarding manufactured homes, sign height, and residential designations. The amendments dealing with manufactured homes are in response to recommendations and advisories from the County Planning Board.

He reported that, first, the intent of the amendments are to allow manufactured homes that meet certain specifications to be allowed in the R-1 and R-2 Zoning Districts, which will eliminate the need for variances for manufactured homes. Manufactured homes will continue to be allowed in the Ag-Forestry District. They have also clarified the definition of a manufactured home to be the same as in the NYS Building Code.

Second, the amendment regarding signage is intended to correct a deficiency in the zoning ordinance. Currently two separate sections of the town's zoning ordinance give two different maximum heights for signs in the C-1 district. The proposed amendment will eliminate this contradiction. The maximum height will now be 20 feet. No billboards will be allowed in the Route 417 corridor.

Third, the zoning map amendment concerns several homes on Cranberry Road. And he displayed a map. The current C-1 Commercial District in this area extends 500 feet from the right-of-way of Route 417. Because of the curve of Route 417 in relation to Cranberry Road, the back part of some residential lots are therefore inadvertently zoned C-1. The proposed amendment will correct this, and zone the entire lots to R-1 to match the current and projected future usage.

Terry Martin stated that the Town as complied with SEQR and has issued a Negative Declaration. Staff recommendation is approval.

Robert Keis moved with a second from Charles Couture to approve the referred Town of Allegany Zoning Map and Text Amendments. Carried.

Town of Ellicottville – Master Planned Development – Thornbush Road

Terry Martin reported that the Town of Ellicottville has referred a Site Plan Review, Special Use Permit request, and request for approval of a Master Planned Development consisting of 12 townhouses and 9 patio homes on 10.39 acres on Thornbush Road on Fox Ridge across from the Holiday Valley Ski Resort. These homes would be built on the down slope side of the road, which is now vacant and unpaved along the ridgeline in the town all the way to village line. This will change an old subdivision plan by eliminating houses on the upper side of the road and will protect the ridgeline and scenic vistas of the hillside as seen from below along Route 219. There is adequate capacity in water and sewer to all these units to the system. There were no issues raised at the public hearing on June 21, 2004. The Town is adequately addressing SEQR. Ag Data Statement is not necessary as the proposed subdivision is more than 500 feet from the nearest Ag District. Staff recommendation is approval with an advisory that the Town should construct a sidewalk connecting the proposed Master Planned Development on Thornbush Road to Holiday Valley Road and to the intersection at Route 219. With this increase of in-fill housing near the village, the town needs to begin adding interconnectivity for pedestrians in order to reduce the number of people walking in the streets and highways.

Robert Keis moved with a second from Charles Couture to approve the referred Town of Ellicottville Site Plan Review, Special Use Permit request, and request to approve a Master Planned Development consisting of 12 townhouses and 9 patio homes on 10.39 acres on Thornbush Road with an advisory that the Town should construct a sidewalk connecting the proposed Master Planned Development on Thornbush Road to Holiday Valley Road and to the intersection at Route 219. Carried.

Town of Ellicottville – Master Planned Development – Maples Road

Terry Martin reported that the Town of Ellicottville has referred a Site Plan Review, Special Use Permit request, and request for approval of a Master Planned Development for creating 38 single-family home lots on 18.3 acres in a clustered village style development on Maples Road across from Northwood Drive to be known as Elk Creek Subdivision, just down the road from the American Legion property and the village line. The backside of the development is within a few feet of the 100-year Flood Plain. It is in the Town water and sewer districts, which will extend the lines because there is enough capacity. No issues were raised at the Public Hearing held on June 21, 2004. An Ag Data Statement is not necessary because the proposed subdivision is more than 500 feet from the nearest Ag District. The Town has issued a Negative Declaration for the SEQR. They will be moderately priced housing at \$169,000 in the Ellicottville area. Staff recommendation is approval with two advisories: 1) the Town should construct a sidewalk from the proposed Master Planned Development (Elk Creek), all the way into the Village so that people are not walking on the road; and 2) the Town should make sure that the Flood Plain map boundaries are accurate, prior to final design approval, due to reports of inaccuracies.

Paul Mager moved with a second from James Rich to approve the Town of Ellicottville referred Site Plan Review, Special Use Permit request, and request for approval of a Master Planned Development for creation of 38 single-family home lots on 18.3 acres in a clustered village style development on Maples Road across from Northwood Drive to be known as Elk Creek Subdivision with two advisories: 1) the Town should construct a sidewalk from the proposed Master Planned Development (Elk Creek), all the way into the Village; and 2) the Town should make sure that the Flood Plain map boundaries are accurate, prior to final design approval. Carried. Charles Couture was opposed

because of the taking of prime agricultural land for the creation of this particular subdivision.

Town of Ellicottville – SEQR Lead Agency Status – Deer Creek Subdivision

Terry Martin reported that the Town of Ellicottville Planning Board is seeking SEQR lead agency status for a proposed 12-unit townhouse development (Deer Creek Subdivision) on 1.6 acres abutting HoliMont in the rear and Route 242 in the front. All the proposed townhouses would be located a very narrow flat area between Plum Creek, which runs through the property, and Route 242. The hillside would be held as common open space. The proposed development would be served by the town's water and sanitary sewer services. The proposed subdivision will also require Site Plan Review and a Special Use Permit for a Master Planned Development. Staff recommendation is concurrence with the Town of Ellicottville Planning Board as the SEQR Lead Agency for this project, with a notation that traffic safety on Route 242 where the proposed driveway will be located needs to be studied, and the suitability of using inaccessible, steep slopes for common open areas needs to be clarified.

Charles Couture moved with a second from Robert Keis to concur with the Town of Ellicottville Planning Board as the SEQR Lead Agency for the proposed 12-unit townhouse development to be known as Deer Creek Subdivision. Carried.

Village of Ellicottville – Special Use Permit – Bar/Restaurant – 30/32 Monroe St

David Paoletta reported that the Village of Ellicottville has referred a Special Use Permit request to establish a storage/banquet facility at 30 Monroe Street in conjunction with a bar/restaurant at 32 Monroe Street in the Village Commercial District. This is a local issue with no inter-municipal or countywide concerns. Staff recommendation is approval.

James Rich moved with a second from Paul Mager to approve the referred Village of Ellicottville Special Use Permit request to establish a storage/banquet facility at 30 Monroe Street in conjunction with a bar/restaurant at 32 Monroe Street. Carried.

Village of Ellicottville – Special Use Permit – Professional Office – 23 Jefferson St

David Paoletta reported that the Village of Ellicottville has referred a Special Use Permit request to operate a day spa/massage therapy professional office in an existing structure at 23 Jefferson Street in the Village Commercial District. This is a local issue with no inter-municipal or countywide concerns. Staff recommendation is approval.

Tina Abrams moved with a second from Florence Fuller to approve the referred Village of Ellicottville Special Use Permit request to operate a day spa/massage therapy professional office in an existing structure at 23 Jefferson Street in the Village Commercial District. Carried.

Village of Ellicottville – Area Variance – Front Yard Set Back – 42 Washington St

David Paoletta reported that the Village of Ellicottville has referred an Area Variance for front yard set back to build an attached front porch to the residence at 42 Washington Street in the Residential District. The porch will encroach 6 ft. into the required 25 ft. setback. This is a minor variance, which will not affect community character. It is a local issue with no inter-municipal or countywide concerns. Staff recommendation is approval.

Charles Couture moved with a second from Robert Keis to approve the referred Village of Ellicottville Area Variance for front yard set back to build an attached front porch to the residence at 42 Washington Street. Carried.

Village of Ellicottville – Special Use Permit – 30 Day Rental – 3 Mechanic Street

David Paoletta reported that the Village of Ellicottville has referred a Special Use Permit request for rental of a dwelling unit in the Village Residential district for rental period of less than 30 days at 3 Mechanic Street. This is a single family three bedroom home. The applicant has met all zoning and permit requirements concerning parking plan, setbacks, etc. It is a local issue with no inter-municipal or countywide concerns. Staff recommendation is approval.

James Rich moved with a second from Robert Keis to approve the referred Village of Ellicottville Special Use Permit request for rental of a dwelling unit in the Village Residential district for rental period of less than 30 days at 3 Mechanic Street. Carried.

Village of Ellicottville – Special Use Permit – 30 Day Rental – 4 Elk Street

David Paoletta reported that the Village of Ellicottville has referred a Special Use Permit request for rental of a dwelling unit in the Village Residential district for rental period of less than 30 days at 4 Elk Street. This is a single-family three-bedroom home. The applicant has met all zoning and permit requirements concerning parking plan, setbacks, etc. It is a local issue with no inter-municipal or countywide concerns. Staff recommendation is approval.

James Rich moved with a second from Robert Keis to approve the referred Village of Ellicottville Special Use Permit request for rental of a dwelling unit in the Village Residential district for rental period of less than 30 days at 4 Elk Street. Carried.

Village of Ellicottville – Special Use Permit – 30 Day Rental – 13 E. Washington St

David Paoletta reported that the Village of Ellicottville has referred a Special Use Permit request for rental of a dwelling unit in the Village Residential district for rental period of less than 30 days at 13 E. Washington Street. This is a single-family three-bedroom home. The applicant has met all zoning and permit requirements concerning parking plan, setbacks, etc. It is a local issue with no inter-municipal or countywide concerns. Staff recommendation is approval.

James Rich moved with a second from Robert Keis to approve the referred Village of Ellicottville Special Use Permit request for rental of a dwelling unit in the Village Residential district for rental period of less than 30 days at 13 E. Washington Street. Carried.

David Paoletta stated that the Village Planner is very anxious to have the Village enter into an agreement with the County Planning Board to exempt these types of referrals.

NEW WORKSHOP ON COUNTY REFERRALS AND QUALITY COMMUNITIES

Terry Martin reported that Harry Willis, Esq., New York State Department of State's Local Government Counsel and Peter Manning, Land Use Training Specialist with the State's Division of Local Government, will present the County Referrals and Quality Communities workshop on June 29th at the Corporate Building, Cattaraugus County Fairgrounds, Little Valley, New York starting at 5 pm.

The first part of the workshop will be on County Referrals and Exemptions and is described as follows: Many of the matters before local planning boards, zoning boards, and governing boards require referral to the county planning agency before action may be taken on them. This workshop will examine the requirements of General Municipal Law §239-l, -m, and -n and the law's impact on local decision-making. It will include a discussion of the benefits of county referral, the effect of certain recommendations from the county planning agency, the consequences of failing to make a required referral to the county planning agency and how to receive certain exemptions from the required referral process. Attorneys will receive 1 hour of Continuing Legal Education in the area of Professional Practice.

The second part of the workshop will be on Creating Quality Communities - Tools And Strategies For Municipalities and is described as follows: This portion of the workshop defines Smart Growth and illustrates its key principles within the context of New York's Quality Communities Initiative. Examples of county planning that encourage inter-municipal cooperation and healthy patterns of community change are also featured. A review of several innovative land use tools allows municipalities to consider approaches of implementing the principles of Smart Growth and Quality Communities. Tools reviewed include official maps, incentive and performance zoning, planned unit development, cluster subdivision, and transfer of development rights. (No credit is available for Attorneys or Code Enforcement Officers.)

APA AWARD FOR ALLEGANY STATE PARK PERIMETER STUDY

Terry Martin reported that the Western New York Section of the American Planning Association has selected Phase 1 of Cattaraugus County's Allegany State Park Perimeter Study to receive its 2004 Outstanding Planning Project – Comprehensive Planning Award. Christine Kinn from the Chautauqua County Planning Department nominated Cattaraugus County for this award. The award will be presented on June 29th in Buffalo. Gerard Fitzpatrick, Chairman of the Legislature will accept the award on behalf of Cattaraugus County. Crystal Abers, Vice Chairman of the Legislature; Richard Swist, Consultant; Thomas Livak and Terry Martin will also be in attendance. Because of this Western New York Award, the Study will be nominated at the State level.

NYS INTERGOVERNMENTAL REVIEWS

David Paoletta reported that we have received only one Intergovernmental Review (STW#04.015). Staff recommendation is received, reviewed, no comment. The Board concurred.

OLD BUSINESS

I-86 Interchange / Land Use Planning Project

Terry Martin stated that as reported at the March Planning Board meeting, Don Sweezy, the new Resident Engineer for the New York State Department of Transportation informed us that planning staff in the Mobility Management Bureau in Albany 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 (especially the West State area by the City/Town line) as well as the Randolph area.

He reported that with this Board's support, letters were sent out to the Town and Village of Portville, Town and City of Olean, Town and Village of Allegany, Town and Village of Randolph and the Village of East Randolph inviting them to participate in community meetings with the NYSDOT planning staff. As a result, meetings were scheduled with Steve Munson, NYSDOT for June 16th in Randolph with Randolph officials, in Ellicottville with Portville representatives and in Olean with Olean/Allegany officials. These meetings were very well received and informative to those in attendance. Steve Munson also discussed statewide trends in which big box stores like Wal-Mart and Home Depot are closing older stores and building new stores in better locations, near the old locations as well as further away. These large retail outlets seek to increase the volume of their business, which requires locations that offer efficient access to regional populations. Communities need to plan for these disruptive changes in land use and locations of major traffic generators.

Cattaraugus Creek/Zoar Valley Watershed EPA Grant Update

Terry Martin reported that after four months of waiting, the USEPA has finally released its list of approved "pre-proposals" for 2004-05 Great Lakes Funding. The Cattaraugus County pre-proposal for land use planning in the Cattaraugus Creek-Zoar Valley Watershed is not on the list of selected projects for this year. This is only a temporary delay because the County can revise its approach and re-submit for the next round of funding in February 2005. In addition, there will be other sources of funding in the next several years that the County can pursue based on the Smart Growth/Quality Communities elements that we have been developing.

He reported further that in the 43 years of planning history in Cattaraugus County, this is the first time the County has attempted to enter into serious watershed planning and seek Lake Erie and Great Lakes Funding support. We are learning quickly, and will be adjusting our approach to gain feasible funding without compromising our vision from our official planning and design guidebooks for mixed uses and balanced development throughout Cattaraugus County, including our watersheds. This also includes preservation for Zoar Valley so long as we can gain access for limited trails and white water adventure sports in accordance with our heritage tourism objectives.

He also stated that traditional water quality techniques do not fully address land use issues, and will not protect our watershed and Zoar Valley in the coming decades. This is why we are attempting to integrate the newer land use techniques from Smart Growth and Quality Communities into watershed planning, and tie it all in with local comprehensive planning institutions. His prediction is that in 20 years everyone will adopt this approach for watersheds, but today, apparently, it is still cutting edge with many issues yet to resolve. We should not give up and he recommends that the County continue this work. The people and stakeholders in Cattaraugus County will benefit from this work for many decades into the future. Zoar Valley alone has the potential to become a major tourism draw throughout the 21st Century if proper safeguards are put in place.

Route 219 Update

Terry Martin reported that the Cattaraugus County Legislature passed a resolution on June 23rd requesting the U.S. Congress to include funding in the next Federal Transportation Program for constructing the Freeway Alternative for U.S. Route 219 from Springville to Salamanca, NY. This action is similar to that taken by the Southern Tier West Board. There is concern that the retirement of Congressmen Houghton and Quinn, who have been past leaders seeking funding for the completion of Route 219 from Springville to Salamanca, will place this funding in jeopardy.

Agricultural and Farmland Protection Plan

David Paoletta reported that the Agricultural and Farmland Protection Board met on June 17th and approved the Project Scope for the establishment of a countywide Agricultural and Farmland Protection Plan for Cattaraugus County (see attached). The Board also appointed a sub committee consisting of Thomas Livak, Joan Petzen, Brian Davis, Nancy Barney and David Paoletta to draft a grant application that will be submitted to NYS Ag & Markets for the funding to do the actual Plan after it has been reviewed by the Ag Board and Planning Board Agriculture Committee and the Development and Agriculture Committee of the County Legislature.

Joan Petzen stated that the Board wants any information that will be gathered, to be done so through direct interviews with the farmers.

David Paoletta stated that this could be done in two ways: the consultant or a Program by Cornell.

David Paoletta also stated that after the grant monies are received, the County would have 18 months to submit the Plan. Hopefully it can be done in 12 months.

REPORTS / OTHER BUSINESS

Chairman's Report

Chairman Bishop read a thank you card from the Bobseine family expressing gratitude for one of the 2004 Brooks Patterson Community Leadership Awards being given in memory of their mother, Lois Bobseine Eaton.

Reappointment of Planning Board Members: Chairman Bishop asked Florence Fuller, Robert Keis and James Rich if they were interested in serving another term on the Planning Board since their terms expire on July 31, 2004. All three responded yes.

Chairman Bishop reported that the one individual who had expressed interest in filling Donald Patterson's position has now declined. However, he has been given two other names of individuals who may be interested. He will continue pursuing a replacement for Don's position.

Appointment to Planning Board Agriculture Committee: Chairman Bishop stated that it still leaves a vacant position on the County Planning Board's Agriculture Committee. He asked Paul Mager if he would be willing to serve on this Committee. Mr. Mager replied yes.

Three Year Plan & Budget Committee Meeting: Chairman Bishop stated that the Three Year Plan and Budget Committee needs to set a date for a Committee meeting prior to the County's Budget process.

Terry Martin stated that Thomas Livak would like the Committee to hold the line and keep the budget request the same for next year.

William Sprague, Chairman of the Three Year Plan and Budget Committee stated that he felt that the Committee should review the priorities that they had set last year to see if there were any changes needed.

Terry Martin suggested that perhaps the conversion of the technical Gravel Study into a smaller guidebook could be discussed.

Upon further discussion, it was decided to have last year's priorities mailed out for the Committee to review and set up a conference call instead of an evening meeting to discuss the priorities.

Summer Meetings: Chairman Bishop stated that an invitation from the Town of East Otto has been received to hold a Planning Board meeting at the old East Otto School building. He asked if the Board would like to meet there in July. It was the consensus of the Board to do so.

Cancellation of the August meeting was discussed but it was the consensus to wait and see how much business might need to be conducted.

Member's Forum

William Sprague stated that the County Legislature has gone on record opposing Senate Bill S. 00887 and Assembly Bill A.04080 regarding regulation of residential septic systems. If passed, these bills will restrict the construction of residential septic systems on any site. One of the restrictions would be on property with a slope that exceeds fifteen percent. He stated that NYSDEC is allowing a 30% grade for the proposed Farmersville Landfill. He feels that this is very discouraging.

Director's Report

Terry Martin stated that Thomas Livak could not be in attendance, but wanted the Board to know the following:

Senior Planner: David Paoletta has been promoted to the new position of Senior Planner. The Board and staff gave David a round of applause for his promotion.

Planner Position: The Planner's position is now vacant and has been advertised in the local newspapers, on the Web Site and at UB. Applications have been coming in. Some interviews have been done and Tom will continue interviewing with the hopes of hiring someone within the near future.

New York Main Street Program: The Governor of New York has made available \$20 million dollars to stimulate downtown revitalization in communities across the State by providing funding for building renovations, streetscape enhancements, and downtown business or cultural anchors. The Villages of Randolph, Little Valley, Franklinville and Delevan are communities that could benefit from these monies.

New York State Horse Council Newsletter: An agreement has been reached between Tom Livak and George King, President of the NYS Horse Council, for Terry Martin and Margaret Puszcz to edit the September issue of the Council's statewide newsletter with a section on Cattaraugus County presenting special features on the Equestrian Festival in Franklinville, the Little Valley Riders Club, Teri Parker (President of the Little Valley Riders Club) being elected to the Board of Directors for the NYS Horse Council and the creation of the new Cattaraugus/Chautauqua Chapter of the NYS Horse Council.

Franklinville Facelift Commission: Tom Livak, Terry Martin and Jerry Burrell attended a recent meeting of Franklinville's Facelift Commission in DeLynn's Art Gallery in the Park Square Historic District, where a wide variety of actions were discussed in support of downtown revitalization in the Park Square Historic District. Franklinville has a very active and knowledgeable group of leaders and the prospects are promising.

A New Regional Preservation Workshop is Being Organized: Terry Martin met with Tania Webizky of the NYS Preservation League. Ms Webizky offered to conduct a regional workshop this fall on revitalization and preservation with a free buffet dinner for everyone in attendance. We want the Franklinville Facelift Commission to co-sponsor the workshop with the County. The DeLynn's have agreed to host the workshop in their upstairs gallery, which can hold up to 80-90 people. They can also cater the buffet with their large kitchen. Terry asked the County Planning Board to be the prime sponsor of this workshop with the Franklinville Facelift Commission as co-sponsor.

James Rich moved with a second from Paul Mager that the County Planning Board sponsor the Regional Workshop by the NYS Preservation League this fall, and ask the Franklinville Facelift Commission to co-sponsor the event. Carried.

Rick Swist Contract: The County Legislature passed a resolution on June 23, 2004 approving the contract with Rick Swist to provide the County with: 1) Equestrian Asset and Market Study (subcontracting with Jo-Anne Young); and 2) Technical Assistance and Support for Demonstration Projects in Ashford, Franklinville, Great Valley, Little Valley, Randolph and Onoville Marina.

STW Report

Robert Keis reported that STW's web site discoversouthwestny.com has received over 2 million hits. If you haven't visited the site, you owe it to yourself too.

Robert Keis reported that STW received 10 ARC applications. Only one was for physical infrastructure. Presentations will be at the July 15th meeting.

CORRESPONDENCE

The following correspondence was received:

Town of Mansfield – Revised Comprehensive Plan – adopted

City of Salamanca – Amending the Zoning Law - adopted

Village of Ellicottville – Special Use Permit – 1 Monroe Street – Floral Design – approval with conditions.

Village of Ellicottville – Special Use Permit – 9 Monroe St – Real Estate and Property Management Company – approval with conditions.

Village of Ellicottville – Special Use Permit – 31 Washington St – Gourmet Food Store – approval with conditions.

Village of Ellicottville – Special Use Permit – 38 Jefferson St – Apartment – approval with conditions.

Village of Ellicottville – Special Use Permit – 25 Washington St – Real Estate Business – approval with conditions.

Village of Ellicottville – Special Use Permit – 43 Jefferson St – 30 day Rental – approval with conditions.

Village of Ellicottville – Special Use Permit – 17 Elizabeth St – 30 day Rental – approval with conditions.

Town of Ellicottville – Notice of Public Hearing on Monday, June 21, 2004 on Mountain View Subdivision.

ADJOURNMENT

Jack Berger moved the meeting be adjourned at 9:00 p.m. Carried.

APPROVED AS SUBMITTED – AUGUST 26, 2004.

Cattaraugus County

Agricultural and Farmland Protection Plan

PROJECT SCOPE

The **Project Scope** for the establishment of a countywide Agricultural and Farmland Protection Plan for Cattaraugus County was developed pursuant to the requirements for the contents of County Agricultural and Farmland Protection Plans which are outlined in Article 25AAA of the New York State Agriculture and Markets Law.

STATEMENT OF PURPOSE AND NEED

Cattaraugus County is one of the few upstate counties that does not currently have an Agricultural and Farmland Protection Plan in place or in the development process. The goal of such a plan for Cattaraugus County is to protect the agricultural land resource, direct development away from farming areas, and to support the economic contributions of agriculture and related businesses. Farming and agricultural supported businesses represent a significant component of the County and regional economy. Large areas of high quality soils provide the basis for stable and productive farms. The future viability of farming could be negatively impacted without the proper direction and land use management tools to ensure controlled growth and sustain agricultural areas. Farming operations in Cattaraugus County are being subjected to increasing development pressures as scattered residential development in agricultural areas continues. The proposed extension of Route 219 from the north county line south to Salamanca through agricultural areas will further impact on agricultural land uses. It is Cattaraugus County's policy that agriculture should be encouraged and conflicts between farming and residential uses should be avoided or minimized.

The planning process needs to focus on countywide agricultural issues and resources. The County Agricultural and Farmland Protection Plan should facilitate maintaining the economic viability of the County's agricultural industry and its supporting land base. The plan should examine the complex factors associated with farmland conversion; farm profitability; government taxes and regulations; availability of farm labor; open space; and community attitudes. The project will be initiated to maintain and protect agriculture, which is one of Cattaraugus County's largest industries and

predominant land uses. The primary objective of the project will be to develop a plan that will focus not only on agricultural land preservation techniques but also, and perhaps most importantly, on the long-term economic viability of the agricultural industry in Cattaraugus County. The plan development process will be based on the premise that farm profitability is the fundamental element of agricultural protection.

PLAN CONTENTS

Pursuant to Article 25AAA of the New York State Agriculture and Markets Law, the Cattaraugus County Agricultural and Farmland Protection Plan must contain, but is not limited to, the following components:

(1) A statement of the county's goals and needs with respect to agricultural and farmland protection. Goals may include, but are not limited to:

- (a) Stabilize or enhance the agricultural economy of the county
- (b) Preserve agricultural land and/or open space
- (c) Reduce farmland conversion pressure
- (d) Avoid development on prime soils
- (e) Maintain community goals with respect to development and growth
- (f) Protect natural resources such as watersheds, aquifers, wildlife habitats, or air quality.

Primary component(s) will include:

Document Economic Importance and Needs of Agricultural Industry - Prepare a report that portrays the "State of Agriculture" in Cattaraugus County including information about service providers, processors, and other agricultural support industries.

(2) An identification of the location of any lands or areas that are proposed to be protected (e.g., the whole county, all agricultural district lands within the county, farms or farmlands in particular sections of the county). In the case of Cattaraugus County, protected areas will include all agricultural lands as determined by the Agricultural and Farmland Protection Board (AFPB) including agricultural districts, farmland / farming operations outside of or adjacent to agricultural districts, and areas identified as prime farmland by soil type. Specific tracts of land or farms will be identified in a database. Maps will be used to identify areas to be protected by category, to illustrate strategies, and to explain the plan recommendations in an understandable visual manner. Primary component(s) will include:

Coordinate Agricultural Data Base and Mapping - This component includes database services and GIS mapping. Establish a coordinated database of agricultural information by parcel. The database will be linked to the County's Geographic Information System (GIS).

(3) An analysis of the lands or areas to be protected, which will be predicated on:

- (a) Their value to the agricultural economy of the county
- (b) Their open space value
- (c) The level of conversion pressure being experienced on the lands or areas proposed to be protected
- (d) The consequences of possible conversion

Primary component(s) will include:

Identify Target Areas for Farmland Conservation - Identify those areas that have the greatest value as farmland based on soils, locations of major farms, existing land use and infrastructure, and potential development pressure.

Develop Criteria to Determine Priority for Farmland Preservation on a Parcel Basis - Establish a set of criteria for evaluating the agricultural potential for specific parcels.

(4) A listing and explanation of each of the recommendations of the Agricultural and Farmland Protection Plan. This component will include a description of the activities, programs and strategies intended to be used by the county to promote the maintenance and continuation of lands in active agricultural use and to implement the recommendations of the plan, including how each element will be funded. Primary component(s) will include:

Identify Needs and Opportunities for Agricultural Economic Development - This component will identify ways to

improve the economic viability of agriculture in Cattaraugus County (i.e., recruiting processors, retaining agribusiness, researching markets, roles of economic development organizations).

Identify and Evaluate Farmland Protection Techniques - Evaluate the benefits of each potential method and identify preferred strategies for Cattaraugus County.

(5) Identification of other county and municipal planning and land use regulations and policies, which complement and are consistent with the Cattaraugus County Agricultural and Farmland Protection Plan. This element will describe the plan's compatibility with: Cattaraugus County's Planning and Design Guidebooks (Volumes 1 and 2 of Cattaraugus County's Smart Development for Quality Communities Guidebook Series), which have been adopted as the initial components of a new comprehensive plan for the 21st Century; local municipal zoning laws and comprehensive plans; and existing economic development strategies. County and municipal plans, policies or objectives, if any, which are inconsistent with or are in conflict with the plan must also be identified.

PARTICIPATING AGENCIES

Pursuant to 1 NYCRR Part 372.3(a), the Cattaraugus County Agricultural and Farmland Protection Board, "may develop an agricultural and farmland protection plan in cooperation and consultation with the county's soil and water conservation district and the U.S.D.A. Natural Resources Conservation Service. The agencies may cooperate and consult with other interested parties, such as municipalities, cooperative extension services, planning organizations, private land trusts, farm organizations, and civic and citizen organizations, in developing plans".

The Cattaraugus County Agricultural and Farmland Protection Board (AFPB) will oversee the development of the Agricultural and Farmland Protection Plan and will provide guidance throughout the plan development process. The County Legislature, which has authorized the development of an application for State funding to assist in the planning process and has appropriated \$10,000 to meet the State's required 20% cash match, must approve the plan and submit it to the New York State Department of Agriculture and Markets for final approval.

Local agencies and organizations participating in the development of the plan under the direction of the AFPB will include, but not be limited to:

- (1) Cattaraugus County Department of Economic Development, Planning & Tourism
- (2) Cornell Cooperative Extension – Allegany/Cattaraugus Counties (CCE)
- (3) Cattaraugus County Soil and Water Conservation District (SWCD)
- (4) Cattaraugus County Office of Real Property Services
- (5) National Resource Conservation Service (NRCS)
- (6) Cattaraugus County Farm Bureau
- (7) Farm Service Agency

PLAN DEVELOPMENT PROCESS

As indicated, the Cattaraugus County Agricultural and Farmland Protection Board will oversee the development of the plan. With Cattaraugus County as the grant recipient, the Department of Economic Development, Planning & Tourism, as technical and policy advisor to the AFPB, will be responsible for project management and grant administration pertaining to the development of the plan. Fundamental responsibilities of the Department, with integral assistance and collaboration from participating agencies, will include:

(1) Preparation of the application for funding from the NYS Department of Agriculture and Markets in the amount of \$50,000 for the development of an Agricultural and Farmland Protection Plan for Cattaraugus County. Pursuant to 1 NYCRR Part 372.4(b), the applications for state matching funds must be submitted by the AFPB and contain the following information:

- (a) Name of the county applying;
- (b) Identification of the AFPB chair (name, address, and telephone number);
- (c) Identification of an individual to be contacted concerning information contained within the application (name, address, and telephone number);
- (d) A summary statement of the trends and conditions in the county that warrant agricultural and farmland protection measures;
- (e) A description of the agricultural setting in the county including:

- (i) The approximate number and types of farms in the area, which is the subject of the plan;
- (ii) The present and future prospect for farm viability in the county; and
- (iii) Other indications of the economic condition and importance of agriculture to the county;
- (f) A detailed description of the plan of work to be followed in developing the plan;
- (g) The anticipated timeframe for completing the plan;
- (h) A budget detailing the cost of developing the plan, including itemization of costs to be charged against state versus county matching resources available to the AFPB by individual budget category;
- (i) A description of in-kind services to be used. The monetary figure associated with in-kind services must be at least \$40,000 (80 percent of the required local match);
- (j) Evidence of the availability of matching funds in the form of a copy of the resolution of the Cattaraugus Legislature appropriating the \$10,000 cash match;
- (k) Signature of the chair of the County Legislature; and
- (l) The qualifications of the principals who will be developing the plan.

- (2) Development of a Request for Proposals (RFP) for consultant services to assist the county in plan preparation.
- (3) Facilitation of the consultant selection process through the establishment of a consultant selection committee.
- (4) Serve as primary consultant liaison and project coordinator for the development of the Cattaraugus County Agricultural and Farmland Protection Plan.
- (5) Assist consultant in facilitating meetings of the AFPB, local agencies, County Legislature and subcommittees, and the general public in gathering information and receiving input essential to the development of the plan.
- (6) Assume responsibility for contract administration for the funding agreement between Cattaraugus County and the NYS Department of Agriculture and Markets.
- (7) Assume responsibility for contract administration for the agreement between Cattaraugus County and the plan consultant.
- (8) Assume responsibility for the day-to-day supervision of the plan consultant and project management during the plan development process.
- (9) Assist AFPB in conducting a public hearing on the plan.
- (10) Facilitate the submittal of the plan to the Cattaraugus Legislature for their approval.
- (11) Facilitate the submittal of the plan to the Commissioner of the NYS Department of Agriculture and Markets by the Cattaraugus County Legislature.

PROPOSED FUNDING BREAKDOWN

A potential funding scenario for the utilization of the \$50,000 grant to prepare the plan and meet the State's local match requirements is identified in the table below. This budget scenario is illustrative only and is flexible at the discretion of the Agricultural and Farmland Protection Board and the County Legislature. Components of the scenario are common to farmland protection plans in New York State; however, it is specifically designed to be practical for Cattaraugus County and its current overall budget situation.

Farmland Protection Plan Funding Breakdown		
State Planning Grant (\$50,000)	Consultant Services	\$50,000
Required Matching Funds (\$50,000)	In-Kind Contributions of County and Local Participating Agencies	\$40,000
	Cattaraugus County 20% Cash Match (Can be used for consultant or personnel services)	\$10,000
Total		\$100,000

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