

Cattaraugus County Planning Board Meeting Minutes

January 27, 2005

Location

Cattaraugus County Center
303 Court Street
Little Valley, New York

PLANNING BOARD MEMBERS PRESENT:

Paul Bishop, Chairman
William Sprague, Vice Chairman
Paul Mager, Assistant Secretary
Tina Abrams
Jack Berger
Florence Fuller
Robert Keis
David Rivet

PLANNING BOARD MEMBERS ABSENT:

Kameron Brooks
Charles Couture
Ann Padlo, Secretary
James Rich

PLANNING DIVISION STAFF:

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

GUESTS:

Gerard Fitzpatrick, Chairman, Cattaraugus County Legislature
Michael Zaprowski, Chair City of Salamanca Planning Commission
Brian Quinn, Salamanca Press

Chairman Bishop called the meeting to order at 7:15 p.m.

APPROVAL OF MINUTES

Chairman Bishop stated that a correction is needed on Page 7 under Seneca Nation Casino. The word "six" in the second line before "floor Hotel" needs to be changed to "multi".

Jack Berger moved with a second from David Rivet to approve the December 9, 2004 minutes as amended.

Carried.

NEW BUSINESS

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

Village of Ellicottville - Site Plan Review/Conditional Use Permit/Area (Height) Variance - Mill St. - Proposed Hotel

Terry Martin reported that the Village of Ellicottville has referred a Site Plan, Conditional Use Permit and Area Variance for the proposed hotel on Mill Street. This proposed hotel is to be located on Mill Street (at the convergence of Great Valley and Elk Creeks), at the current site of Fitzpatrick & Weller Inc. It will be four stories and have 83-rooms, with a pool and meeting facilities. There will be 104 off-street parking spaces. There will be a separate trash enclosure and storage building. There are 2.66 acres and is within the Village Commercial zoning district. Changes have been made to the hotel roof design and color scheme at the request of the Village Planning Board.

The entire site is within the 100-year flood plain. The building footprint has been moved to the west to avoid the floodway, and will be raised five feet with fill to put the ground floor above the base flood elevation. The basic building is 38' 8". The village ZBA is considering two options, with the roof treatments, it is 44', and with stairway towers onto the roof it is 49' 4 ½". With the five foot of fill, it makes total height 54' 4 ½" in height. The Village will meet on Saturday to determine which option they will allow and therefore have requested that the County Planning Board approve both options. This is a SEQR Type 1 Action, which was previously reviewed with comments sent by this Board to the Village of Ellicottville.

Jess Fitzpatrick stated that the Village has agreed to sell the Maybe Alley to the developer. They will have a vehicle entrance from Mill Street and a walking entrance from Washington Street. It will improve the area and put more people onto the street, which will be good for the Village, restaurants and shops. Once they have all the approvals, they want to start the building in March and have it ready for next season.

Terry Martin stated that staff recommendation is approval of the Site Plan and Conditional Use Permit with an advisory on the side and not related to the Site Plan approval that a Traffic Study should consider (1) peak traffic generated by the various festivals, special events and during peak ski season weekends and (2) the potential benefit of adding a left turning lane off Washington (Route 219) onto Mill Street.

Robert Keis moved with a second from Paul Mager to approve the Site Plan and conditional use permit for a 4 story, 83 room hotel at Mill Street in the Village of Ellicottville with a side advisory that a Traffic Study should consider (1) peak traffic generated by the various festivals, special events and during peak ski season weekends and (2) the potential benefit of adding a left turning lane off Washington (Route 219) onto Mill Street. Carried.

Terry Martin stated that staff recommendation is approval of the height variance for the proposed hotel up to 54' 4 ½", which would include both options.

Robert Keis moved with a second from Jack Berger to approve the height variance for the proposed hotel in the Village of Ellicottville up to 54' 4 ½". Carried.

City of Salamanca - Zoning Map and Text Amendment - Overlay Zoning District

David Paoletta reported that the City of Salamanca has referred a Zoning Map and Text Amendment to establish an Overlay Zoning District for the West End of Salamanca. These guidelines will be used to assist in the design and review of new construction and alteration to existing sites and structures within the overlay district, which may result from spin-off development from the new Casino.

Mike Zaprowski, Chairman for the City of Salamanca Planning Commission stated that they had good input

from the public. The overlay zoning district will add a little extra layer of protection. The development of the district and design guidelines was a joint effort between the City and the Seneca Nation.

David Paoletta stated that it is hoped that the Overlay District will help preserve the integrity of the area as it develops. A public hearing was held and a SEQR negative Declaration has been done. Staff recommendation is approval.

Paul Mager moved with a second from William Sprague to approve the City of Salamanca's Zoning Map and Text Amendment for the adoption of the West End/Overlay Zoning District. Carried.

Village of Ellicottville - Area Variance - 45 Jefferson Avenue - Car Port & Porch

Kate Wagner reported that the Village of Ellicottville has referred an area variance for a side yard setback to build a car port on each side of the barn. The proposal meets the 10 foot side yard setback, but not the 30 foot combined setback. It is 3'5" short. A second area variance is sought to build a wrap-around porch on the residential building 4 feet from the property line. The north wall is currently 6 feet from the property line, with a build out 4 feet from the property line. The Porch will wrap around and meet the build out, with the porch four feet from the property line. A public meeting was held on January 25, 2005 with no one speaking against it. Staff recommendation is approval.

Florence Fuller moved with a second from Tina Abrams to approve the referred Village of Ellicottville area variances for side yard setback for car ports on side of the barn and porch addition on side of house at 45 Jefferson Avenue. Carried.

Village of Ellicottville - Special Use Permit - 33 W. Washington St - 30 day Rental

Kate Wagner reported that the Village of Ellicottville has referred a Conditional Use Permit to allow rental of property for less than 30 days at 33 West Washington Street. It is a single-family 4-bedroom home. The request meets all zoning and conditional use permit requirements (i.e., parking plan, setbacks, etc.). A public meeting will be held on February 8, 2005. Staff recommendation is approval as it is a local issue with no inter-municipal or countywide concerns.

David Rivet moved with a second from Robert Keis to approve the Village of Ellicottville's referred Conditional Use Permit to allow rental of property for less than 30 days at 33 West Washington Street. Carried.

Town of Allegany - Variance - 3095 Route 417 - Two Signs

Kate Wagner reported that the Town of Allegany has referred a variance for two signs: one 293.12 sq. feet and one 134.37 sq. feet to be located at 3095 Route 417. The maximum square footage allowed in the Town of Allegany Ordinance is 100 sq. feet. This is a large outlet store for furniture and mattresses. A public meeting will be held February 7, 2005. Staff recommendation is approval because the new signs will actually be an improvement over the current signage.

William Sprague moved with a second from Robert Keis to approve the Town of Allegany's referral for two signs at 3095 Route 417. Carried.

The following referrals were all withdrawn from the Agenda by the respective municipalities for varying reasons:

- ~~City of Olean - Site Plan Review - 318 S. 8th St. - 36 Unit Residential Unit - Withdrawn~~
- ~~Town of Ellicottville - Variance/Site Plan Review/Special Use Permit - 6606 Route 219 N - Laidlaw Energy Project - Withdrawn~~
- ~~Village of Franklinville - Zoning Map Amendment/Site Plan Review - South Bend of Pennsylvania~~

~~Avenue, along Conrail R.R. Withdrawn~~

- ~~• Village of Franklinville – Zoning Map Amendment/Site Plan Review – 95 S. Main Street Withdrawn~~
- ~~• Village of Franklinville – Special Use Permit – 3 S. Main Street – Withdrawn~~
- ~~• City of Salamanca – Zoning Text Amendment – Definitions for Multi-family & Two-Family Dwellings – Withdrawn~~
- ~~• City of Salamanca – Zoning Text Amendment – Temporary Permits – Withdrawn~~

NYS Intergovernmental Reviews

Kate Wagner reported that two NYS Intergovernmental Reviews numbered STW #05.001 and 2 have been received. Staff recommendation is received, reviewed, no comments. The Planning Board members concurred.

Quality Communities Grants

Terry Martin reported that the New York State Department of Economic Development has announced the availability statewide of one million dollars in grant funds under the Quality Communities Program for the Year 2004-2005. Cattaraugus County will be applying for up to \$70,000 to implement a series of demonstration projects that are described in Cattaraugus County's "Saving Our Villages" guidebook, to test the regional economic markets for specific locations in Cattaraugus County, which will include the Villages of Randolph, Little Valley and Franklinville.

William Sprague moved with a second from David Rivet to support the County's grant application for Quality Communities funds. Carried.

OLD BUSINESS

Eight-Year Review of the Perrysburg-Dayton-Leon Agricultural District

David Paoletta reported that he and Joan Petzen had made a presentation to the Town and Village of Perrysburg Boards about removing parcels from the Agricultural District. There are about 40 parcels that will be affected by the new Water District. Only three parcels are large farms. The purpose of the water district extension is to encourage development. They informed them that the County Legislature has the Final word on removing or adding parcels to the Agricultural District and in the past has acquiesced to the requests of landowners. The Town, County and Cornell Cooperative Extension will send out letters explaining the issues to the landowners.

David Paoletta stated that he has not had any inquiries from the Towns of Dayton or Leon. Another meeting will be held in February or March to finalize what will happen.

David Paoletta also reported that the Ag District map is being redone to reflect changes that have occurred the past eight years. Kate Wagner has been helping him on this and doing a great job.

Agricultural and Farmland Protection Plan Grant Award

David Paoletta reported that the next step is to consummate a contract between NYS and the County. Once the contract is signed, we have 18 months to complete the Plan. He currently has a draft of an RFP put together, which will need the approval of the Ag and Farmland Protection Board prior to mailing out.

Zoning Referral Exemptions - Proposed Agreement Between Cattaraugus County Planning Board and Municipalities

Terry Martin reported that Kameron Brooks has contributed pro bono assistance to the County Planning Board by developing a draft "Agreement Between Cattaraugus County Planning Board and Municipalities for Zoning

Referral Exemptions" with sample resolutions. Dennis Tobolski, County Attorney, reviewed the draft and we will now send it to the attorneys at the NYS Department of State for their comments. They are aware of the latest developments and case law statewide on these matters. The County Planning Board should then take further action once we receive a response. Terry complimented Kameron Brooks for preparing a greatly streamline document which shall save everyone time in the future.

David Paoletta stated that the municipalities need to be educated on the requirements for referring items to the County Planning Board for review. This is evidenced tonight by the many withdrawals from the Agenda - many because of procedural errors.

Reports

Chairman's Report

Update on Route 417 Study - Terry Martin reported that NYSDOT has indicated that they might have \$30,000 +/- to do a "Proof of Concept Study" for traffic management along West State Street that Steve Munson of NYSDOT Albany has proposed (this is a spin-off of our I-86 work last year). A draft Scope of Services has been drawn up (which did not include an element for sidewalks or trails). This scope will be revised within the next few weeks, and Terry will recommend that a trails and pedestrian circulation element be added.

Nominating Committee

Nominations of Officers - Jack Berger, Chairman of the Nominating Committee reported that all current officers are willing to serve for the ensuing year. Therefore the nominations are: Paul R. Bishop, Chairman; William Sprague, Vice Chairman; Ann Padlo, Secretary; and Paul Mager, Assistant Secretary.

Election of Officers - Robert Keis moved with a second from Florence Fuller to elect Paul R. Bishop, Chairman; William Sprague, Vice Chairman; Ann Padlo, Secretary; and Paul Mager, Assistant Secretary for 2005. Carried.

Members Forum

William Sprague asked if anyone knew why the Rest Stop in Allegany has not opened. There is a lot of tourism being lost as a result of it.

Tom Livak stated that there have been problems with a contractor, the roof and some internal fixtures. It is hoped that an informal opening will occur in about a month.

William Sprague wanted to know if a resolution by the Legislature would help the situation any?

Tom Livak stated that it probably wouldn't hurt.

William Sprague indicated that he would pursue a resolution.

Directors Report

I-86 Information Centers - Tom Livak reported that the new Information Center is a very nice facility. It includes numerous racks for tourism brochures. For \$150 a business can have brochures displayed in Allegany as well as Bemus Point. The Seneca Nation will have a kiosk with cultural information on it. The County will also have a kiosk with general tourism information on it linked to the Enchanted Mountains website.

Planner - Tom Livak reported that Kate Wagner, Planner has resigned her position effective February 4th. We wish her well.

Terry Martin thanked her for her work and wished her well. The Board also wished her well.

STW Report

Robert Keis reported that STW did not meet in January. However, the following items were discussed at their December meeting:

DiscoverSouthwestNY.com is offering a new service to provide the ability for businesses to add their own location to the site as a form of advertising. Representatives of these businesses will be able to go to DiscoverSouthwestNY.com and locate their facility on the map and provide photographs to be installed on the site for a small fee.

The STW Board is under contract with the City of Salamanca and Cattaraugus County to facilitate regional strategic plans to accommodate development for new opportunities brought about by the Casino. The STW Board is also under contract with the Salamanca Board of Public Utilities to provide GPS and GIS services to the City.

The Norfolk Southern Rail Road has been running through-service coal cars on the Southern Tier Extension Railroad line for several months now and is considering running more traffic in the future. New York State funding for railroad rehabilitation has not been available since the most recent rehabilitation projects (the two bridge repairs in Chautauqua County), because of State fiscal issues. The Chautauqua, Cattaraugus, Allegany and Steuben Southern Tier Extension Railroad Authority anticipates investing an additional \$15 million of public funds (not counting private investment) in capital rehabilitation of the line over the next three years. Although significant rehabilitation already has been done to the line to date (including replacing washouts, tie replacement, grade crossing and signal repair, bridge repair, and rail replacement), additional rehabilitation work still remains to be done, including significant amounts of additional tie replacement and rail replacement.

Jess Fitzpatrick stated that part of the railroad is in Pennsylvania. A one million dollar grant has been obtained to improve the track to get it back to Class A standards. 60-70% is 40 miles per hour. Rail traffic has increased. The Norfolk Southern is running 55,000 cars versus 1,000 a year ago.

Correspondence

The following correspondence has been received:

- ***NYS Department of Transportation*** - Route 219 Project Update.
- ***Town of Ellicottville*** - Notice of Public Hearing on January 24, 2005 at 6:45 pm - Special Use Permit and Site Plan review and approval to convert a currently vacant power plant, which formerly used natural gas as a fuel source, to a facility that uses biomass (wood chips) as a fuel source located at 6606 US Route 219 North.
- ***Town of Ellicottville*** - Notice of Public Hearing on January 25, 2005 at 7 pm - Rezoning of 6438 and 6430 East Washington Street from Medium Density Residential Development to Light Industrial/Service Commercial for the purpose of developing site for townhouses.
- ***Village of Ellicottville*** - Revision of Village Zoning Ordinance and Map to be in accordance with Comprehensive Plan - approved.
- ***Village of Ellicottville*** - Conditional (Special) Use Permit - 37 Monroe Street - rental periods less than 30 days - approved with conditions.
- ***Village of Ellicottville*** - Area Variance - 28 Martha Street - alter/extend an existing front porch/deck - approved.
- ***Village of Ellicottville*** - Conditional (Special) Use Permit - 18 E. Washington Street - rental periods less than 30 days - approved with conditions.
- ***Village of Ellicottville*** - Conditional (Special) Use Permit - 1 Maple Street - rental periods less than 30

days - approved with conditions.

- ***Village of Ellicottville*** - Conditional (Special) Use Permit - 41 Mechanic Street - rental periods less than 30 days - approved with conditions.
- ***Village of Ellicottville*** - Conditional (Special) Use Permit - 21 Madison Street - establish and operate a Bed and Breakfast Inn - approved with conditions.

Adjournment

Paul Mager moved with a second from Florence Fuller to adjourn the meeting at 8:40 p.m. Carried.

APPROVED AS CORRECTED FEBRUARY 24, 2005.

Corrections: Page 3, 2nd paragraph, 2nd sentence change the word "litter" to "little". Page 5, 5th paragraph, 2nd sentence change the word "Attorneys" to "attorneys".

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