

Cattaraugus County Planning Board Meeting Minutes

February 24, 2005

Location

Cattaraugus County Center
303 Court Street
Little Valley, New York

PLANNING BOARD MEMBERS PRESENT:

William Sprague, Chairman
Paul Mager, Assistant Secretary
Tina Abrams
Jack Berger
Charles Couture
Florence Fuller
David McCoy
David Rivet

PLANNING BOARD MEMBERS ABSENT:

Kameron Brooks
Ann Padlo, Secretary
Robert Keis
James Rich

PLANNING DIVISION STAFF:

Terry H. Martin, Chief Planner
David P. Paoletta, Senior Planner
Paul R. Bishop, Planner
Margaret E. Puszczy, Stenographic Secretary

GUESTS:

Crystal Abers, Vice-Chairman, Cattaraugus County Legislature
Brian Quinn, Salamanca Press

Vice Chairman Sprague called the meeting to order at 7:08 p.m.

Approval of Minutes

Vice Chairman Sprague stated that corrections are needed as follows: Page 3, 2nd paragraph, 2nd sentence change the word "litter" to "little". Page 5, 5th paragraph, 2nd sentence change the word "Attorneys" to "attorneys".

Paul Mager moved with a second from Florence Fuller to approve the January 27, 2005 minutes as corrected. Carried.

New Member Appointed by Chairman of the Legislature

Vice Chairman Sprague welcomed new member, David McCoy from Portville. Mr. McCoy was appointed by the Chairman of the Legislature on February 23, 2005 to fill out Paul Bishop's term, which expires on July 31, 2006. Paul Bishop has accepted the Planner position in the Department of Economic Development, Planning and Tourism.

Nomination and Election of Officers

Vice Chairman Sprague stated that the Board needs to elect a new Chairman. He opened the floor for nominations.

Florence Fuller nominated William Sprague for Chairman. Paul Mager seconded the nomination.

Vice Chairman Sprague asked three times if there were any other nominations. He then stated, hearing none, is there a motion to close nominations?

Paul Mager moved with a second from Charles Couture that the nominations be closed and asked the Secretary to cast one ballot for William Sprague as Chairman. Motion carried.

William Sprague, new Chairman of the County Planning Board, thanked the members of the Planning Board for their confidence in him to be their Chairman. He stated that he will strive to fill Paul Bishop's shoes.

Chairman Sprague opened the floor for nominations for the office of Vice Chairman.

David Rivet nominated Paul Mager for Vice Chairman. Charles Couture seconded the nomination.

Florence Fuller nominated Ann Padlo for Vice Chairman.

Chairman Sprague asked three times, if there were a second for the nomination of Ann Padlo as Vice Chairman. He then stated, hearing no second, the nomination has died.

Chairman Sprague asked three times if there were any other nominations. He then stated, hearing none, is there a motion to close nominations?

Charles Couture moved with a second from Tina Abrams that the nominations be closed and asked the Secretary to cast one ballot for Paul Mager as Vice-Chairman. Motion carried.

Chairman Sprague opened the floor for nominations for the office of Assistant Secretary.

Kameron Brooks nominated Charles Couture for Assistant Secretary. David Rivet seconded the nomination.

Chairman Sprague asked three times if there were any other nominations. He then stated, hearing none, is there a motion to close nominations?

Kameron Brooks moved with a second from Paul Mager that the nominations be closed and asked the Secretary to cast one ballot for Charles Couture as Assistant Secretary. Motion Carried.

New Business

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

Village of Franklinville - Zoning Map Amendment - South Bend of Pennsylvania Avenue

David Paoletta reported that the Village of Franklinville has referred a Zoning Map Amendment that will change the zoning classification for one (1) parcel (3.87 acres) from R-3 Residential to I-1 Industrial located on the South Bend of Pennsylvania Avenue.

The property owner intends to develop a wastewater transfer station in the future. However, we are currently reviewing for the zoning change only. A site plan will be developed and referred to the County Planning Board at some point in the future.

The rezoning is a separate issue from the future intended use and must be evaluated for compatibility with existing zoning and current land uses only.

The rezoning to I-1 Industrial District is consistent with the zoning immediately adjacent to the north, east and west of this parcel. Therefore, it is not spot zoning. The proposed rezoning is consistent with the policies and goals outlined in the Town and Village of Franklinville Comprehensive Plan. SEQR has been adequately addressed by the Village, which has determined that the rezoning will not result in any significant adverse environmental impacts. A public hearing was held on February 14, 2005, with no comments opposing the rezoning of the property. Staff recommendation is approval.

Charles Couture moved with a second from Kameron Brooks to approve the Village of Franklinville Zoning Map Amendment for one parcel located on the South Bend of Pennsylvania Avenue from R-3 Residential to I-1 Industrial. Carried.

Village of Franklinville - Zoning Map Amendment - 95 S. Main Street

David Paoletta reported that the Village of Franklinville has referred a Zoning Map Amendment that will change the zoning classification for two parcels (1.5 acres) from I-1 Industrial to R-3 Residential at 93 and 95 S. Main Street.

93 S. Main Street contains a one-family residence. Rezoning to R-3 would make the zoning consistent with the land use. The property at 95 S. Main Street contains an auto body shop but is intended to be redeveloped for a Dollar General store in the future.

We are currently reviewing this for the zoning change only. A site plan will be developed and referred to the County Planning Board at some point in the future. The rezoning of 95 S. Main is a separate issue from the future intended use and must be evaluated for compatibility with existing zoning and current land uses only.

The rezoning of these properties to R-3 Residential District is consistent with the zoning immediately adjacent to the south and west of the parcels. Therefore, it is not spot zoning. The proposed rezoning is consistent with the policies and goals outlined in the Town and Village of Franklinville Comprehensive Plan. SEQR has been adequately addressed by the Village, which has determined that the rezoning will not result in any significant adverse environmental impacts. A public hearing was held on February 14, 2005, with no comments opposing the rezoning of the properties. Staff recommendation is approval.

Charles Couture moved with a second from Florence Fuller to approve the referred Village of Franklinville Zoning Map Amendments for 93 and 95 S. Main Street, which will change the zoning classification for these two parcels from I-1 Industrial to R-3 Residential. Carried.

Town of Yorkshire - Use Variance - Rt. 16 South of Williams Road & West to McKinstry - Sand & Gravel Mine.

David Paoletta reported that the Town of Yorkshire has withdrawn this referral.

City of Salamanca - Zoning Text Amendments

David Paoletta reported that the City of Salamanca has referred Zoning Text Amendments as follows:

- Add the definition for "multi-family dwelling" as: Three (3) or more attached dwelling units.
- Add two-family dwelling units under special permitted uses in R-1 Single Family Residential District.
- Under Temporary Permits, Temporary Signs shall include portable signs and allow a one-time renewal policy not to exceed 30 days.

Mr. Paoletta stated that changes (1) and (2) address the City's recognized housing shortage. Change (3) reduces sign clutter and is common to many local zoning ordinances. No negative comments were made at a public hearing held on the zoning text amendments. SEQR has been adequately addressed by City, which has issued a Negative Declaration. Staff recommendation is approval.

Paul Mager moved with a second from David Rivet to approve the City of Salamanca's referred Zoning Text Amendments in reference to adding a definition for "multi-family dwelling", addition of two-family dwelling units under special permitted uses in R-1 Single Family Residential District and adding Temporary Signs under Temporary Permits. Carried.

City of Salamanca - Zoning Map Amendment - Rochester Street

David Paoletta reported that the City of Salamanca has referred a Zoning Map Amendment that will change the zoning classification for one (1) parcel (7.8 acres) from I-1 Industrial to R-2 Single-Family Residential / General Residential on Rochester Street.

The property is intended to be developed as a 32-unit apartment complex in the future. However, we are currently reviewing it for the zoning change only. A site plan will be developed and referred to the County Planning Board at some point in the future. The rezoning is a separate issue from the future intended use and must be evaluated for compatibility with existing zoning and current land uses only.

The rezoning to R-2 Single-Family Residential / General Residential District is consistent with the zoning immediately adjacent to the south of this parcel. An R-1 Single Family Residential District abuts the property to the north. The proposed rezoning will act as a buffer between existing residential land uses and an industrial use to the west. SEQR is being adequately addressed by City of Salamanca. A public hearing was held on February 17, 2005, with no comments opposing the rezoning of the property. Staff recommendation is approval.

Tina Abrams moved with a second from Charles Couture to approve the referred City of Salamanca's Zoning Map Amendment that will change the zoning classification for one parcel from I-1 Industrial to R-2 Single-Family Residential / General Residential on Rochester Street. Carried.

City of Salamanca - Site Plan Review - Central Avenue near Great Valley Street

David Paoletta reported that the City of Salamanca has referred a Site Plan Review for Central Avenue near Great Valley Street for the construction of a 2,400 sq. ft. auto body and repair shop.

The project is a permitted use in the B-3 Neighborhood Commercial District. The property is currently vacant with residential uses to the south, west and north. Neighbors have been contacted and are agreeable to the project as fences and vegetative buffers are included in the site plan. The Salamanca Board of Public Utilities has agreed to provide sanitary sewer, storm sewer and municipal water to the site. NYSDOT has approved the driveway configuration and layout. The facility will have a minimal impact on total traffic volume on Central Avenue from a trip generation standpoint. The project has one curb cut and a suitable internal traffic circulation pattern. The site plan is adequate and in compliance with the requirements of the City of Salamanca Zoning Ordinance. No environmental concerns (constraints to project) have been identified. The project a Type II Action (exempt from review) under SEQR since the proposed building is under 4,000 sq. ft. A public hearing

was held on February 17, 2005, with no comments opposing the project. Staff recommendation is approval.

Jack Berger moved with a second from Kameron Brooks to approve the referred City of Salamanca Site Plan Review for construction of a 2,400 sq. ft. auto body and repair shop on Central Avenue near Great Valley Street. Carried.

Village of Ellicottville - Area Variance - 27 Greer Hill Road

Paul Bishop reported that the Village of Ellicottville has referred an Area Variance request to the Zoning Local Law minimum Front Yard and Side Yard Setback requirements for an addition to an existing residential structure built in the HoliMont Greer Hill Subdivision at 27 Greer Hill Road (Sublot No. 28).

The applicant / property owner wants to construct a mudroom / garage attached to an existing residence. A portion of the proposed new garage encroaches 1.68' (plus a 1.00' overhang) into the required 25.0' minimum front setback requirement and 0.46' (plus a 1.33' overhang) into the required 15.0' minimum side setback requirement. This is a minor variance, which will not affect community character. A public hearing will be held on Tuesday, March 1, 2005 at 5:00 P.M. This is a local issue, with no significant county-wide or inter-municipal impact. Staff recommendation is approval.

Kameron Brooks moved with a second from Charles Couture to approve the Village of Ellicottville's referred Area Variance request to the Zoning Local Law minimum Front Yard and Side Yard Setback requirements for an addition to an existing residential structure built in the HoliMont Greer Hill Subdivision at 27 Greer Hill Road (Sublot No. 28). Carried.

Town of East Otto - Special Use Permit - 6771 Plato Road

Paul Bishop reported that the Town of East Otto has referred a Special Use Permit to establish a service/commercial business (automobile repair & sales) on property, which is zoned agricultural/residential at 6771 Plato Road.

The applicant / property owner wants to establish a service / commercial business (auto repair and sales) in an existing building on a site zoned Agricultural-Forestry. The East Otto zoning ordinance allows this use by Special Use Permit, but it does also require a Site Plan Review. A Short EAF for SEQR was completed. There are no agricultural district parcels within 500'. There are no floodplains or wetlands affected. Adequate parking, lighting, drainage, etc. for proposed use exists. The existing building has water but no septic. A public hearing is being held tonight (2/24/05) at 7:45 p.m. This is a local issue with no significant county-wide or inter-municipal impact.

The Special Use Permit that is being proposed would be for all of the applicant's parcels in the area. Staff recommendation would be that the Special Use Permit be issued for Parcel 37.011-1-46 only (3.44 acres) on which the existing building is located.

Jack Berger moved with a second from Tina Abrams to approve the Town of East Otto's referred Special Use Permit for Tax Map Parcel No. 37.011-1-46 only for the establishment of a service/commercial business (automobile repair & sales) at 6771 Plato Road. Carried.

Environmental Review

Proposed Science Facility - St. Bonaventure University Campus

Paul Bishop reported that we have received a request for comments on the Draft Environmental Impact Statement for the Expansion and Renovation of DeLaRoche Hall on St. Bonaventure University campus. The proposed action is partial funding (\$4.5 million dollars) by the National Aeronautics and Space Administration

(NASA) for this expansion and renovation of the science instruction facilities (DeLaRoche Hall) through a three-of four-phase project at St. Bonaventure University. Staff recommendation is no comments.

Charles Couture moved with a second from Florence Fuller that the County Planning Board found no countywide or inter-municipal issues with the Proposed Science Facility at St. Bonaventure University Campus. Carried.

Intergovernmental Reviews

None

Old Business

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

David Paoletta reported that work is continuing on the eight-year review of the Perrysburg-Dayton-Leon Agricultural District. Currently working on the preliminary map of the district. As a result of the Perrysburg Water District Proposal, one landowner has formally requested that their property be removed from the District.

David also reported that he had no inquiries for inclusion in any Agricultural District during the annual open period of January 2 through February 2.

Agricultural and Farmland Protection Plan Grant Contract

David Paoletta reported that the Grant Contract from the State has been received for the Agricultural and Farmland Protection Plan. Once the County Legislature Chairman has signed the Contract, it will be returned to the State for their signature. Once the Contract has been completely executed, we will be able to request a 25% cash advance (\$12,500) and the RFP's can be mailed.

Zoning Referral Exemptions

Terry Martin thanked Kameron Brooks for his pro bono work in preparing three draft documents in relation to the exemption of certain referrals to the County Planning Board as mandated by General Municipal Law Section 239-rn. Terry reported that the County Attorney has reviewed the documents and signed off on them. The next step is to send them to Harry Willis, Attorney, NYS Department of State in Albany for his review. Once everyone has signed off on them, a mailing campaign perhaps followed by a countywide workshop can be held to educate the municipalities on the Zoning Referral Exemption procedure. The more municipalities we get to enact an exemptions agreement with the county Planning Board, the fewer zoning cases we have in our meetings. This will give the County Planning Board more time to deal with other, longer impact projects.

Kameron Brooks stated that the Planners should take a look at the list of proposed exemptions for the purpose of adding to or taking away.

Quality Communities Grant Submission

Terry Martin reported that he and Margaret Puszczyk have been preparing a grant application to be submitted on February 25th to New York State Quality Communities Grant Program for the purpose of implementing its new Quality Communities strategy called, "Saving Our Villages" (Volume 3 of the County's Smart Development for Quality Communities Guidebook Series). This strategy is based on Volumes 1 and 2, which received the Governor's Quality Communities Award for Excellence in 2002. We are asking for \$70,000 from NYS, with \$10,000 cash and \$5,000 In-kind from Cattaraugus County and \$5,000 each from the Villages of Randolph, Little Valley and Franklinville. The state funds will be used to pay for engineering services to work with building owners in the downtowns of the villages to assess structural soundness and to do preliminary designs for upper

floor residential units over first floor commercial spaces, and to prepare a multi-phase site utilization plan for the 126 acre Equestrian Park on the edge of the Village of Little Valley.

Saving Our Villages Guidebook

Terry Martin distributed copies of the County's latest published guidebook of its Smart Development for Quality Communities series, Volume 3 - Saving Our Villages. He indicated that this guidebook will be officially released by the County Legislature in late March or early April. It is currently available as a PDF download on the County's website. This new guidebook presents the village renewal strategy that our \$70,000 Quality Communities grant seeks to implement.

Reports / Other Business

Chairman's Report

Chairman Sprague reported that, as discussed last month, he wrote a resolution requesting New York State to provide a status update on the I-86 Rest Area opening. The Legislature passed the resolution and copies were forwarded to Senator McGee, Assemblywoman Young, the Regional Director of the New York State Department of Transportation and the Commissioner of the New York State Department of Transportation.

Member's Forum

West Valley Demonstration Project

Charles Couture noted that the West Valley Demonstration Project had been shut down because of fires and exposures. The Project opened again on February 23rd. He believes that they tried to push too fast. They have been downsizing with at least another 100-150 employees let go. The Ashford Complex may again be utilized by the West Valley Demonstration Project.

Steering Committee for the West Valley Site Reuse

David Paoletta stated that he has been serving on the Steering Committee for the West Valley Site Reuse. They are on the verge of coming out with a proposal for a site reuse that will have economic viability in the future.

Munitions Plant

Charles Couture stated that the Munitions Plant is still a possibility, if they can get Congressman Randy Kuhl on board. It could mean 200-400 jobs.

Exemptions for Review of Referrals

David McCoy stated that he would be very interested in seeing the County Planning Board follow through with the exemptions for review of referrals. It would help speed up the review process for municipalities.

STW Local Government Conference

Terry Martin stated that he will be presenting a session on Zoning Referrals and Exemptions at the STW Local Government Conference at Houghton College on May 12th.

Brownfields

David McCoy discussed opportunities that are available for Brownfields monies.

START Trail

Kameron Brooks stated that the trail is 99% finished. They are planning and opening celebration in June.

New Planning Board Member

Crystal Abers stated that she has been working on finding a replacement for Don Patterson's position on the County Planning Board. She hopes to have someone soon.

DIRECTOR'S REPORT - NONE

STW REPORT - NONE

Correspondence

The following correspondence was received:

- ***Gerard J. Fitzpatrick, Chairman of the Cattaraugus County Legislature*** - appointment of David L. McCoy of Portville, New York to the County Planning Board for a term effective immediately and to continue through July 31, 2006.
- ***Village of Ellicottville*** - SEQR Negative Declaration - Proposed Hotel, Ellicottville, NY.
- ***Village of Ellicottville*** - Site Plan Review/Conditional Use Permit - Proposed Hotel - approval granted contingent on conditions specified by the Village Planning Board being met.
- ***Village of Ellicottville*** - Area (height) Variance - Proposed Hotel - approval for 51'8" height and contingent upon adherence to conditions specified by the Village Zoning Board of Appeals.
- ***Village of Ellicottville*** - Special Use Permit - 30 day Rentals at 33 W. Washington St. - approval granted pursuant to acceptance by applicant of conditions specified by Village Planning Board.
- ***Village of Ellicottville*** - Area Variance (side yard setbacks) - 45 Jefferson Street - car ports on barn accessory building and porch addition on house - approval granted contingent upon adherence to conditions specified by Village Zoning Board of Appeals.

Adjournment

Jack Berger moved with a second from Kameron Brooks to adjourn the meeting. Carried.

APPROVED April 7, 2005.

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