

**Cattaraugus County Planning Board
303 Court Street, Little Valley, New York
December 10, 2015 at 7:00 pm**

PLANNING BOARD MEMBERS PRESENT: Charles Couture, Chairman
Paul Mager, Vice Chairman
Florence Fuller, Assistant Secretary
Robert Keis
David McCoy
Al Ormond
Joe Pillittere
John Sayegh
Mark Smith
James Valent

PLANNING BOARD MEMBERS ABSENT: Michael Zaprowski, Secretary
Tina Abrams
Andrea Mellon

PLANNING DIVISION STAFF: Crystal Abers, Director
Paul Bishop, Senior Planner
Ginger Malak, Program Assistant
Kate O’Stricker, Development Specialist

GUESTS: Chuck Banas, Chuck Banas Design
Chris Hawley, Chuck Banas Design

Chairman Charles Couture called the meeting to order at 7:00 pm. Mr. Couture introduced the newest member of the Board, John Sayegh.

APPROVAL OF MINUTES

Joe Pillittere moved with a second from Florence Fuller to approve the minutes of the October 29, 2015 meeting. Motion was carried.

NEW BUSINESS

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

City of Olean

Zoning Text Amendment – Downtown Form-Based Code

Paul Bishop introduced Chuck Banas and Chris Hawley, who have been working with the City of Olean on their zoning update for downtown. A draft of the Downtown Olean Form-Based Zoning Code was distributed and a presentation was provided on the zoning update. A question and answer period followed.

Q. Why surface parking lots vs. structured parking decks?

A. To retain the historical sense of the City, it is better to eliminate parking where possible. The City had the foresight to construct off street parking lots along Union Street behind the buildings. Recently these have been changed from permit use only to all public parking. Now they can be shared by mixed use. It is common that in historical cities there is a need to demolish buildings to accommodate parking needs. The City of Olean will not have to do that.

Q. Is there any training provided on Form-Based Code for City officials and staff?

A. The City is looking into that. Mary George from the Community Development Department has already attended training. A detailed code allows for more issues to be handled without the Planning Board, whereas basic questions are answered in the code. Planning Board discussions are at a higher level.

Q. Is the City pilot testing the backing into parking spaces?

A. Yes, there are backing in parking spaces located in front of the mall on Union Street.

The Board thanked Mr. Banas and Mr. Hawley for their presentation, which was very informative.

Paul Bishop reported that the City of Olean is requesting a Zoning Text Amendment. The City is proposing the adoption of their Downtown Olean Form-Based Code, which will replace the City's existing code for downtown Olean and portions of West State and Wayne Streets.

A form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law. A form-based code offers a powerful alternative to conventional zoning regulations.

Two new zoning districts will be created: City Center (CC) and Neighborhood Center (NC)

These changes will complement the North Union Street Restoration Project by promoting an orderly, compatible, and varied mix of uses to attain the economic, social, and environmental benefits of a walkable downtown.

The new Union and State Streets Historic District is included in these two new districts.

Additional Information:

- Tax Map No' (s): NA
- SEQR: Type 1 Action - A Short EAF Completed
- Ag Data Statement: NA
- Floodplain: No
- Wetlands: No
- Archaeological Sensitive Area: Yes
- Public Hearing: Not yet scheduled

STAFF RECOMMENDATION: Approval

Joe Pillittere moved with a second from John Sayegh to accept the staff recommendation. Motion was carried.

**City of Olean
Zoning Text Amendment**

Paul Bishop reported that the City of Olean is requesting a Zoning Text Amendment. The City of Olean is amending the zoning section of their Code of Ordinances to add “Shelters” as a Special Permitted Use in the General Commercial and Industrial Use Districts

Additional Information:

- Tax Map No’ (s): NA
- SEQR: Unlisted Action - Short EAF Submitted
- Ag Data Statement: NA
- Floodplain: NA
- Wetlands: NA
- Archaeological Sensitive Area: Yes
- Public Hearing: Not yet scheduled

STAFF RECOMMENDATION: The proposed action has no significant countywide or inter-community impact.

Joe Pillittere moved with a second from Al Ormond to accept the staff recommendation. Motion was carried.

**Village of Little Valley
Zoning Text Amendment**

Paul Bishop reported that the Village of Little Valley is requesting a Zoning Text Amendment. The Village of Little Valley is supplementing their referral submitted in October for a revised Zoning Law to incorporate regulations to allow the “keeping of chickens”.

Project Highlights:

- The keeping of chickens is allowed by special use permit as an accessory use on single family residential properties.
- Maximum of four hens.....no roosters.
- Building permit required for the enclosure with very specific construction requirements.
- Manure Storage and Disposal Plan must be submitted as part of the special use permit application.

Additional Information:

- Tax Map No’(s): NA
- SEQR: Type 1 Action - Full EAF Submitted
- Ag Data Statement: NA
- Floodplain: None
- Wetlands: None

- Archaeological Sensitive Area: Yes – portion of the Village in the area of 1st Street
- Public Hearing: November 10, 2015 at the Little Valley Municipal Building

Mr. Couture reported that the Village had met with the Farm Bureau in regard to the chickens.

STAFF RECOMMENDATION: The proposed action has no significant countywide or inter-community impact.

Joe Pillittere moved with a second from Robert Keis to accept the staff recommendation. Motion was carried.

Town of Allegany

Area Variance – 3132 NYS Route 417

Paul Bishop reported that the Town of Allegany is requesting an Area Variance for 3132 NYS Route 417. The applicant (Olean Physical Therapy) is asking for a variance to waive the requirement to construct a sidewalk connecting his building to the existing sidewalk on Route 417.

The Town's Corridor Overlay regulations require that new development provide "safe pedestrian linkage to sidewalks along Route 417." When the applicant applied for an expansion of the Olean Physical Therapy office in 2014, this County Planning Board also recommended that a sidewalk connection to Route 417 should be provided. A new sidewalk connection, generally parallel to Willard Avenue, was shown on the site plan that this Planning Board reviewed. However, the sidewalk was never constructed and the applicant has now determined that, due to the slope from Route 417 to his property, it is not possible to construct a sidewalk that meets the ADA requirement of a 5% grade or less.

The applicant has now applied to open a restaurant in the eastern end of the existing building. There is significant pedestrian traffic along Route 417 from St. Bonaventure University students and residents that would visit this restaurant, so the Town may wish to consider the installation of the sidewalk from Route 417 to the restaurant to ensure pedestrian safety.

Additional Information:

- Tax Map No'(s): 94.061-1-29.2
- SEQR: Unlisted Action - Short EAF Completed
- Ag Data Statement: NA
- Floodplain: NA
- Wetlands: NA
- Archaeological Sensitive Area: Yes
- Public Hearing: Not yet scheduled

STAFF RECOMMENDATION: The proposed action has no significant countywide or inter-community impact with the following advisory:

- 1) The Town requests the applicant to install a sidewalk from Route 417 to the proposed restaurant to ensure pedestrian safety

Joe Pillittere moved with a second from Mark Smith to accept the staff recommendation. Motion was carried.

City of Olean

Special Use Permit and Site Plan Review – 231 and 251 Homer Street

Paul Bishop reported that the City of Olean is requesting a Special Use Permit and Site Plan Review for 231 and 251 Homer Street. The project will be owned and operated by BQ Energy, LLC and its affiliate, Homeridae, LCC, which involves the installation and operation of a photovoltaic solar energy production facility.

Project Highlights:

- Consists of approximately 11,000 solar panels on 660 arrays installed on 16.68 acres on the site, which is capable of generating 4 MW (DC) of electric power.
- Renewable power created by this project will produce enough energy in its first year to power 652 typical residential homes.
- Electricity generated by this project will be sold to the City of Olean at a significant cost savings to the City.
- Current 16.68 acre lot will be subdivided into two 8.34 acre lots, allowing for 2 MW of power per parcel, at the request of National Grid.
- This is a brownfield site and is included in NYSDEC's Brownfield Cleanup Program (Site Code C905037) and is currently undergoing remediation. The remediation is substantially complete, but has not yet obtained a Certificate of Completion.
- Parcel shows as being located with the 100-year floodplain but, as part of the site remediation, the area was backfilled to an elevation above the 100-year floodplain.
- There is a decommissioning plan in place if the project becomes inactive.
- The project is scheduled to be completed by the end of 2016.

Additional Information:

- Tax Map No'(s): 94.032-1-2.11
- SEQR: Unlisted Action - Full EAF Completed
- Ag Data Statement: NA
- Floodplain: Yes
- Wetlands: No
- Archaeological Sensitive Area: Yes
- Public Hearing: Not yet scheduled

STAFF RECOMMENDATION: The proposed action has no significant countywide or inter-community impact.

Paul Mager moved with a second from Florence Fuller to accept the staff recommendation. Motion was carried.

**Town of Allegany
Zoning Text and Zoning Map Amendments**

Paul Bishop reported that the Town of Allegany is requesting Zoning Text and Zoning Map Amendments. The Town, after several years of review, is proposing to update the Town’s Zoning Ordinance. The proposed Zoning Ordinance includes changes to both the text and the zoning map. Changes were made to:

- Revise outdated provisions, to reflect current best practices, and to allow activities that were not anticipated in 2000, such as the resurgence in brew pubs and micro-breweries.
- Remove duplications and inconsistencies in the ordinance and to improve clarity and ease of use by Town staff, officials, and the public.
- Bring the Zoning Ordinance into compliance with recommendations in the Town's 2011 Comprehensive Plan.

Additional Information:

- Tax Map No’ (s): NA
- SEQR: Type 1 Action - Full EAF Completed
- Ag Data Statement: NA
- Floodplain: NA
- Wetlands: NA
- Archaeological Sensitive Area: Yes
- Public Hearing: Not yet scheduled

STAFF RECOMMENDATION: The proposed action has no significant countywide or inter-community impact.

Joe Pillittere moved with a second from Robert Keis to accept the staff recommendation. Motion was carried.

**City of Olean
Special Use Permit and Site Plan Review – 2201 Constitution Avenue**

Paul Bishop reported that the City of Olean is requesting a special use permit and site plan review for 2201 Constitution Avenue. The project proposes to construct and operate a 150’ monopole telecommunications tower and associated equipment.

Project Highlights:

- There will be a 10’ x 10’ concrete equipment pad located near the base of the tower. The tower, equipment pad, and related equipment will be surrounded by a 45’x 45’ fenced compound.
- The tower will be designed with a structural breakage point 25’ from the top, creating a 50’ diameter fall zone that will be contained within the easement area.

- Applicant will be required to provide a demolition bond in case future removal is necessary.

Additional Information:

- Tax Map No'(s): 94.055-1-4.2
- SEQR: Type 1 Action - Full EAF Completed
- Floodplain: No
- Wetlands: No
- Archaeological Sensitive Area: Yes
- Public Hearing: Not yet scheduled

STAFF RECOMMENDATION: The proposed action has no significant countywide or inter-community impact.

Al Ormond moved with a second from Joe Pillittere to accept the staff recommendation. Motion was carried.

Environmental Reviews

City of Olean

SEQRA Lead Agency Status – 2201 Constitution Avenue

Paul Bishop reported that the City of Olean Planning Board is requesting to serve as Lead Agency for the project known as Telecommunications Tower at 2201 Constitution Avenue. The Cattaraugus County Department of Economic Development, Planning and Tourism is considered an “interested agency” for SEQR review.

Additional Information:

- Tax Map No'(s): NA
- SEQR: Type 1 Action - Full EAF Completed
- Floodplain: No
- Wetlands: No
- Archaeological Sensitive Area: Yes
- Public Hearing: NA

STAFF RECOMMENDATION: The Cattaraugus County Planning Board concurs with the City of Olean Planning Board’s request to serve as lead agency for the project known as Telecommunications Tower at 2201 Constitution Avenue.

Joe Pillittere moved with a second from Robert Keis to accept the staff recommendation. Motion was carried.

City of Olean

SEQRA Lead Agency Status – Downtown Form-Based Code

Paul Bishop reported that the City of Olean Common Council is requesting to serve as Lead Agency for the project known as Downtown Olean Form-Based Code zoning text amendment. The Cattaraugus County Department of Economic Development, Planning and Tourism is considered an “interested agency” for SEQR review.

Additional Information:

- Tax Map No’(s): NA
- SEQR: Type 1 Action - Full EAF Completed
- Ag Data Statement: NA
- Floodplain: No
- Wetlands: No
- Archaeological Sensitive Area: Yes
- Public Hearing: NA

STAFF RECOMMENDATION: The Cattaraugus County Planning Board concurs with the City of Olean Common Council’s request to serve as lead agency for the project known as downtown Olean Form-Based Code zoning text amendment.

Joe Pillittere moved with a second from John Sayegh to accept the staff recommendation. Motion was carried.

Intergovernmental Reviews

STW #15-15 through STW #15-21

Paul Bishop reported that the Board received seven projects, but only one pertained to Cattaraugus County.

STAFF RECOMMENDATION: Received, Reviewed, No Comment. The Board concurred.

OLD BUSINESS – None

REPORTS / OTHER BUSINESS

Chairman’s Report

Charles Couture stated that the Governor’s proposed wage increase is a big issue for farmers. Agriculture is the only business that asks what are you going to pay me for my product, rather than giving a price. Mr. Couture read some statistics regarding the minimum wage increase and the impact on agriculture.

- New York’s 2014 net cash income for agriculture was \$2.2 billion.
- Inflating the minimum wage from \$9/hour to \$15/hour will result in a half a billion increase in farm labor costs.

- A \$500 million increase (\$1.243B total cost in labor) is equal to 25% of net farm income.

Farms will take a big hit. It is an issue that will be hard to fight. This is not only an issue in NYS, but an issue across State lines because the minimum wage is not the same in all States. With Pennsylvania having a lower minimum wage, the NYS farmer will have a tougher time in competing with those in PA.

Department Reports

Director's Report

Crystal Abers reported that the **CFA Awards** for 2015 were recently announced. The projects funded in Cattaraugus County included:

- \$50,000 - Cattaraugus County Site Redevelopment Assessment – Cattaraugus County will examine the feasibility of returning four targeted obsolete manufacturing facilities to a condition that will support advanced manufacturing, private investment, job creation, and economic development throughout the County.
- \$49,500 – Cattaraugus County Cultural Plan – Cattaraugus County will hire a consultant to develop a countywide cultural plan that will provide an inventory, needs assessment and recommendations to enhance current arts, culture and heritage businesses and programming.
- \$600,000 – Wastewater Treatment Plant Upgrades – Village of Little Valley to upgrade and replace certain processes and equipment in its wastewater treatment plant system.
- \$75,000 - Culinary Arts Training - Cattaraugus Community Action, Inc. will train 45 workers in special populations in food for thought – culinary arts.
- \$25,000 Culinary Arts Training Cattaraugus Community Action, Inc. will train 47 unemployed workers in culinary arts.
- \$27,750 – Expanded Programmatic Capacity - Cattaraugus County Arts Council will expand the Education Coordinator position to manage all educational programs, the Art on Main storefront, and the Southern Tier Biennial Contemporary Art Exhibition.
- \$500,000 - William O. Smith Recreation Center Complex Improvements Project - The City of Olean will make improvements to the ice rink at William O. Smith Recreation Center located at War Veteran's Park east of the downtown business district.
- \$420,000 – William O. Smith Recreation Center Complex Improvements Project – City of Olean seeks assistance to make improvements to the William O. Smith Recreation Center located at War Vet's Park east of the downtown business district.
- \$160,000 – North 3rd Street Reconstruction Project - The City of Olean will restore the 200 block of North 3rd Street into a "complete street" including new sidewalks, granite curbing and new street trees paving the way for additional private investment.
- \$300,000 - Downtown Olean Revitalization – Olean Business Development Corporation will use funds to stabilize and renovate buildings in downtown Olean.
- \$45,000 - Downtown Olean Revitalization – Olean Business Development Corporation will renovate affordable housing units on the upper floors of buildings in

Olean center city, support facade improvements, and remove renovation barriers from key landmark buildings making them shovel ready for development.

Comprehensive Plan

Paul Bishop reported that the Public Hearing on the Comprehensive Plan was held on December 9, 2015. Bob Fischer from Town of Portville, Bob Wood from Town of Carrollton, and Christopher Sansone from the Seneca Nation of Indians made comments on the Plan. All were very positive.

The Department has completed the Comprehensive Plan. Staff has a few minor revisions that need to be made. Also, the Seneca Nation of Indians would like to provide some comments and suggestions. The Department expects to meet with them in early January to review their recommendations.

SEQR review ends on December 24, 2015. The Department is anticipating the adoption of the Plan by the end of January.

Community Revitalization Fund

Ginger Malak reported that she continues to work with several communities that are very close to submitting an application.

Trails Initiative

Ginger Malak reported that at the **Trails System Advisory Committee** met on December 9, 2015. The members of the Committee provided reports on what they have been working on and what activities they plan to have in the future.

In February 2016, the Department expects to have a presentation from Chautauqua County on their trail efforts. The agenda for the April meeting will include reports from groups who have been successful in securing State/Federal grants and/or, while maybe not successful, have had experience in applying for grants. In May or June, the Department expects to invite representatives from Empire State Development and NYS Office of Parks & Recreation to talk about funding that is available for trails and the CFA process.

Other

Paul Bishop had several items he wished to comment on:

- The **Village of Hamburg** has had round-a-bouts for several years and it has had a positive impact. The number of building permits has increased. He believes this will happen in Olean as well. The reconstruction will slow traffic and keep it flowing.
- Board members are eligible to receive **training credits** for any of the Local Government trainings that Southern Tier West offers.
- The cleanup of the **Signore site in Ellicottville** has been completed.

STW Report

Robert Keis reported that the Southern Tier West Board had not met. A meeting is scheduled for December 17, 2015.

Members Forum

Al Ormond. He reported on the progress of the **New Forest Economy** program. The progress is slow. In October 2015, the Lieutenant Governor was in Wellsville regarding the project.

Mark Smith. He inquired about a **cell tower** being constructed on County land in the Town of Dayton. As Town Supervisor, he is unaware that a permit was obtained. DFT is stringing cable through the Town. Mrs. Abers replied that she will follow-up with County Emergency Services.

John Sayegh. Jamestown Community College is completing the construction on the new **Advanced Manufacturing Institute**. Ribbon cutting ceremony is planned. Mr. Sayegh described the programming of the Institute. Jamestown has a similar facility and now Olean will be able to offer the same courses in 2016.

CORRESPONDENCE AND UPCOMING MEETINGS / EVENTS

Charles Couture reported that these are attached to the agenda.

NEXT MEETING

The next meeting of the Planning Board will be held on January 28, 2016 at 7:00 pm at the County Center in Little Valley.

ADJOURNMENT

David McCoy moved with a second from James Valent to adjourn the meeting at 8:35 pm. Motion was carried.