

Cattaraugus County Planning Board
County Center
Little Valley, NY
May 25, 2006

PLANNING BOARD MEMBERS PRESENT: Paul Mager, Vice Chairman
Ann Padlo, Secretary
Charles Couture, Assist. Sec
Jack Berger
Florence Fuller
Richard Fuller
Robert Keis

Michael Zaprowski

PLANNING BOARD MEMBERS ABSENT: William E. Sprague, Chairman
Tina Abrams
Kameron Brooks
David McCoy
David Rivet

PLANNING DIVISION STAFF: Thomas M. Livak, Director
James H. Isaacson, Senior Planner
Paul R. Bishop, Planner
Margaret E. Puszcz, Stenographic Secretary

GUESTS: Joan Petzen, Chairman Ag & Farmland Protection Board
Lori A. Tiller, Special Use Permit Alpaca Hobby Farm
Aaron B. Tiller, Special Use Permit Alpaca Hobby Farm
William S. Bielecki, Resident of St. Joe's Drive, Allegany
Cynthia Bielecki, Resident of St. Joe's Drive, Allegany
Rena Flynn, Resident of St. Joe's Drive, Allegany
Pat Flynn, Resident of St. Joe's Drive, Allegany
Michael McVinney, 24 E. Third St., Jamestown
William Pineto, 24 E. third St., Jamestown

Vice Chairman Mager called the meeting to order at 7:02 p.m. and welcomed everyone to the meeting. He congratulated Charles Couture on his appointment to the Cattaraugus County Legislature. He believes it is a good thing for the Planning Board. We now have our Chairman and a member of the Board who are Legislators. In the past few years, we've gained better respect from the Legislature. It's good to have two members of the Legislature who know the importance of planning.

APPROVAL OF MINUTES

Charles Couture moved with a second from Michel Zaprowski to approve the April 27, 2006 meeting minutes as submitted. Carried.

NEW BUSINESS

General Municipal Law Section 239 (l) & (m) Referrals**Village of Gowanda – Local Law Implementation Landscape Standards**

James Isaacson reported that the Village of Gowanda has referred a Local Law to Implement Landscape Standards for Site Plan Review. The Village's stated purpose for this Local Law is to establish minimum standards for landscaping, to enhance the appearance of the Village common areas and open spaces, and to contribute to the overall impression of a neighborhood. The Village's goals are to create a pedestrian friendly environment; to soften architectural features; to enhance the surrounding streetscape; to provide buffers between incompatible uses, to provide screening of service areas and non-essential site elements. Mr. Isaacson reported that these goals are very similar to recommendations in the County's Guidebook Series, notably Volume 2 – "Design Guidebook for Towns and Villages". The Local Law is consistent with Gowanda's Comprehensive Plan, and the Village has addressed SEQR by completing a Draft EIS in 1999.

Mr. Isaacson stated that he found only one issue – an inconsistency between Sections 30.84.C and 30.88, both dealing with issuing a Certificate of Occupancy when landscaping cannot be completed in a timely manner. Staff recommendation is approval, with an advisory that the Village should resolve the inconsistencies between Sections 30.84.C and 30.88.

Richard Fuller moved with a second from Robert Keis to approve the Village of Gowanda's Local Law to Implement Landscape Standards for Site Plan Review with an advisory that the Village should resolve the inconsistencies between Sections 30.84.C and 30.88. Carried.

Town of Franklinville – Special Use Permit – 7975 & 7991 Route 16

James Isaacson reported that the Town of Franklinville Zoning Board of Appeals has referred a Special Use Permit for a retail business involving a DMV Registered Repair Shop/Auto Sales/Heavy Equipment Storage at 7975 and 7991 Route 16 (*Tax Map No. 40.003-1-12.2*). Mr. Isaacson stated that the applicant (owner of Pike Hardware) is proposing to open a branch of his hardware store at this location on Route 16 at the Farmersville-Franklinville town line. The applicant also wishes to re-establish the used car sales lot that was previously on this site, and sell automotive tires. He also wants to establish a tool and equipment rental business, and move Paul Krotje Auto Parts to this location as well. The applicant proposes to use the existing 2 buildings for these uses. No building additions or expansions are planned. The Special Use Permit is for the auto sales and the "heavy" equipment storage components of this operation. DMV requires a "Motor Vehicle Repair Shop" license for a tire sales operation, though the owner does not intend to repair automobiles. A SEQR Short EAF has been completed. An Ag Data Statement is required, but was not submitted. Almost the entire parcel is within a 100-year flood plain. A Public Hearing was held on Monday, May 8, 2006.

Mr. Isaacson reported that one concern he has is with the heavy equipment storage outside of the buildings as it relates to the view shed along Route 16.

Michael Zaprowski stated that the Town could require a buffer for the storage.

Robert Keis stated that he doesn't see equipment sitting outside in Cattaraugus County as a problem.

Mr. Isaacson stated that staff recommendation is approval with the following advisories: 1) to limit the amount of exterior equipment storage; and 2) to consider screening of exterior equipment storage.

Upon discussion, Charles Couture moved with a second from Robert Keis to approve the Town of Franklinville Zoning Board of Appeals' referral for a Special Use Permit for a retail business involving DMV Registered Repair Shop/Auto Sales/Heavy Equipment Storage at 7975 and 7991 Route 16 (no advisories). Carried.

Town of Great Valley – Site Plan Review – Billboards

James Isaacson reported that the Town of Great Valley Planning Board has referred Site Plan Review of multiple sites for the placement of five billboards (Tax Map Nos. 73.004-1-43.1; 56.003-1-28.4; 65.003-1-14.1; 65.003-1-36.1). All of the billboards will be placed on major routes through the Town. One will be on Route 417 just outside of Kill Buck and four on Route 219, one near the Ellicottville Town line and three on Gernatt property. They are "Stacked" billboards – one billboard on top of another. They are approximately 39 feet tall and double-sided with a total number of 4 signs or faces per location. There is no indication of any lighting. Three of the 4 parcels are in the Southeast and Central Ag District, and approximately 20 other Ag parcels are within 500 feet of these signs. SEQR Short EAFs have been completed. An Ag Data Statement was submitted. A Public Hearing was held on Wednesday, May 10, 2006 at the Great Valley Town Hall.

William Pinto, the applicant, stated that the signs will only advertise local business that are located in Cattaraugus County.

Paul Mager asked what types of businesses will be allowed to advertise on these signs?

Mr. Pinto stated that his company has personally decided that they will not allow any adult entrapment, animal cruelty or derogatory statements to be advertised on their signs.

Mr. Pinto responded to the question of how far away from the highway will the signs be located by stating that Great Valley has no zoning, but the signs will be at least 10 feet off the Right-of-Way.

Mr. Isaacson stated that staff recommendation is approval.

Charles Couture moved with a second from Florence Fuller to approve the Town of Great Valley Planning Board's referred Site Plan Review of multiple sites for the placement of five billboards. Carried.

Town of Allegany – Special Use Permit – 3364 N. 7th Street – Alpaca Hobby Farm

James Isaacson reported that the Town of Allegany Planning Board has referred a Special Use Permit and Site Plan Review to allow an agricultural use (Alpaca Hobby Farm) in an R-1 zoning district at 3364 N. 7th Street (Tax Map No. 94.052-4-8). The applicant wants to keep 7 alpacas (currently has 5 of which two are pregnant) as a hobby on a 9.3-acre parcel of land in the Town of Allegany. The property abuts the Village of Allegany and a residential subdivision. A barn already exists, and a fence will be erected to corral the alpacas (less than ½ acre). The barn is about 50 feet away from neighboring property lines of the residential subdivision. A rental house exists on the property as well. The applicant does not live at this location. A SEQR Short EAF has been completed; no determination has been made. An Ag Data Statement was submitted. A Public Hearing was held on May 8, 2006 at the Allegany Town Hall.

Mr. Isaacson stated that the staff recommendation is approval, with advisories: 1) to limit the number of alpacas to the proposed number of seven (7); and 2) to allow no expansion of the barn or fenced area.

Mr. Isaacson asked the applicant if they would: 1) consider locating the fenced area on the eastern side of the property? 2) Consider additional buffering? 3) Consider barn as temporary, and move the alpacas to another area of lot?

Aaron Tiller stated that he would have no problem with a buffer even though Alpacas don't make a lot of noise. He also said that he could use the barn for hay only and move the fenced area for the Alpacas to the east side of the property.

Robert Keis asked if the Town's zoning allows this type of use?

Mr. Isaacson replied yes with the issuance of a Special Use Permit.

William Bielecki, resident of St. Joe's Drive, stated that the barn is 66 feet from the property line and 130 feet from his house, which is very close. This is a highly taxed area in the Village of Allegany with over \$300,000 homes. Recently, they were reassessed 30 – 40% higher. He believes this is bending the rules.

Rena Flynn, resident of St. Joe's Drive, stated that having a farm in the backyard will lower the value of these homes. They feel that they need to protect their investment. There is an extra expense to adhere to the covenants of the subdivision.

Joan Petzen suggested that perhaps the applicant needs to create a Nutrient Management Plan that can be developed through the Cattaraugus County Soil and Water Conservation District.

Mr. Tiller stated that they have been in touch with the NYS Department of Agriculture and Markets.

Rena Flynn stated that the Town of Allegany had recently rezoned this area R-1 which indicates to her that the Town is planning on this area being residential.

Robert Keis stated that it is up to the Village and Town of Allegany to determine what the character of their community will be.

Charles Couture stated that he would have to defer to Joan Petzen, Cornell Cooperative Extension Agent and the Agricultural and Farmland Protection Board as far as farmland issues, and farm animal issues are concerned.

Mike Zaprowksi stated that the issuance of a Special Use Permit is primarily a local issue.

Upon further discussion, Robert Keis moved with a second from Charles Couture that the Town of Allegany Planning Board's referred Special Use Permit and Site Plan Review to allow an agricultural use in an R-1 zoning district at 3364 N. 7th Street is a local issue, with no significant countywide impact and suggests the applicant meet with the Cattaraugus County Soil and Water Conservation District for the purpose of creating a Nutrient Management Plan which will address some of the issues. Carried.

Town of Ellicottville – Revised Comprehensive Plan

Paul Bishop reported that the Town of Ellicottville has referred their Draft Comprehensive Plan, which is a revision of the Town's 1990 Master Plan. This updating process began in January 2004.

Mr. Bishop stated that some of the highlights include:

- ❑ The same basic goals have been maintained, but they have been expanded to include measurable objectives.
- ❑ Chapter 6 includes sections on Pedestrian and Bicycle Transportation Systems and Recreational Trails. The section on Recreational Trails does reference the County's Equestrian Guidebook (Volume 8) and supports its initiatives. No reference is made, however, to the County's Outdoor Recreation Trails Guidebook (Volume 4) that was released in late 2005.
- ❑ A Route 242 East Corridor Overlay District has been added. It begins at the eastern boundary of the Village and follows east along Route 242 to the boundary of the Town with the Town of Franklinville. The intention of this district is to prevent strip commercial development, traffic congestion and pedestrian conflicts. As a result of this new District, the Light Industrial / Service Commercial District (LI/SC) has been deleted.
- ❑ Because of the difficulty in development on hillsides, the recommended minimum lot size in the A-R District is now 3 acres and in the LD District is now 2 acres - both were increased from 1 acre.
- ❑ To preserve the existing character of the Town, it is recommended that the Town amend its zoning regulations to prohibit a single retail store that exceeds 60,000 square feet in area on one floor of a facility.
- ❑ With interest increasing in large-scale developments in the Town, it is recommended that the Town amend its zoning ordinance to allow the use of Planned Unit Developments (PUD's).
- ❑ Included sections on Scenic Ridgelines (Visual Resources Survey) and Visual Intrusions to discuss the possible effects of communications towers and wind farms.

Mr. Bishop stated that the Town is adequately addressing SEQR. This is a Type I Action that will require a Long EAF. It is anticipated that the Town will issue a Negative Declaration. A Public Hearing was held on Wednesday May 10, 2006 at 7:00 P.M. at Holiday Valley. Staff recommendation is approval, with the advisory that the Town coordinate the Recreational Trails Section of their Comprehensive Plan with Cattaraugus County's Outdoor Recreation Trails Guidebook.

Michael Zaprowski moved with a second from Ann Padlo to approve the Town of Ellicottville's referred Draft Comprehensive Plan with the advisory that the Town should coordinate the Recreational Trails Section of their Comprehensive Plan with Cattaraugus County's Outdoor Recreation Trails Guidebook. Carried.

Town of Ellicottville – Zoning Text Amendment – Adult Use Provisions

Paul Bishop reported that the Town of Ellicottville has referred an amendment to their Zoning Ordinance text regarding the Adult Use provisions of the Town's existing regulations. The Town decided that an updated study was necessary since, during the ongoing process of updating their Comprehensive Plan, the potential for adult businesses to locate in Ellicottville was identified as an area of concern.

Mr. Bishop stated that the study was well done and could serve as a reference guide to other Towns that face this issue. It details several applicable case studies from around New York State and the country. The following recommendations were made:

- ❑ Currently allowed in the Industrial (I) Zoning District. The new Comprehensive Plan will be decreasing the amount of land in the Industrial District - therefore, there may no longer be sufficient land available to physically accommodate adult businesses. The new recommendation is that adult businesses are allowed as a Special Permitted Use in the Agricultural-Residential (A-R) District.
- ❑ Several definitions were added or deleted.
- ❑ Location and separation distances were refined and adjusted.
- ❑ New section added on Private Viewing Booths.
- ❑ In addition to the zoning requirements, it is further recommended that the Town require each individual adult business to obtain a business license from the Town. This would allow the Town to have more control over the operation of the business, including such items as cleanliness, access, hours, etc.

Mr. Bishop reported that SEQR is being adequately addressed. This is a Type I Action that will require a Long EAF. It is anticipated that the Town will issue a Negative Declaration. A Public Hearing will be held on Wednesday, June 28, 2006 at 7:00 P.M. at the Ellicottville Town Hall. Staff recommendation is approval.

Charles Couture moved with a second from Jack Berger to approve the Town of Ellicottville's referred amendment to the Zoning Ordinance text regarding the adult use provisions of the Town's existing regulations. Carried.

Town of Randolph – Area Variance – 3364 Bowen Road

Paul Bishop reported that the Town of Randolph Zoning Board of Appeals has referred an Area Variance to add an addition to the current residence at 3364 Bowen Road (Tax Map No. 79.001-1-7.10). The applicant wishes to add a room off the northeast corner of

the house. The current corner of the house is 14.3' from the rear property line. The corner of the proposed addition would be 12' from the rear property line. The Town's Zoning regulations require a 50-foot rear property line setback. Neighbors had concerns about proximity to property line and water runoff from the roof. The concerns were addressed and resolved at the public hearing, which was held on Tuesday, May 23, 2006 at the Randolph Municipal Building. Staff recommendation is local issue, the proposed action has no significant county-wide or inter-community impact.

Michael Zaprowski moved with a second from Charles Couture that the Town of Randolph Zoning Board of Appeals referral for an Area Variance to add an addition to a current residence at 3364 Bowen Road is a local issue, the proposed action has no significant county-wide or inter-community impact. Carried.

Town of Randolph – Special Use Permit – 12968 West Main Street

Paul Bishop reported that the Town of Randolph Zoning Board of Appeals has referred a Special Use Permit to replace a singlewide trailer with a double wide at 12968 West Main Street (Tax Map No. 69.004-1-40.1). Also, an existing one story wood frame house on the property will be demolished and removed. The existing garage will remain for now, but will eventually be replaced with a new garage. A "Mobile Home" is a special use allowed by permit in the R-1 District. The Town is addressing SEQR. A short EAF will be completed. An Ag Data Statement has been completed. A Public Hearing was held on Tuesday, May 23, 2006 at the Randolph Municipal Building. Staff recommendation is local issue, the proposed action has no significant county-wide or inter-community impact.

Ann Padlo moved with a second from Florence Fuller that the Town of Randolph Zoning Board of Appeals' referred Special Use Permit to replace a singlewide trailer with a double wide at 12968 West Main Street is a local issue, the proposed action has no significant county-wide or inter-community impact. Carried.

SEQR Lead Agency Status – Cattaraugus – Little Valley Central School

James Isaacson reported that the Cattaraugus – Little Valley Central School is seeking SEQR Lead Agency Status for a proposed capital project consisting of a number of improvements to be located on two sites in the Village of Cattaraugus and one site off NYS Rte. 353 south of the village. These projects are: First, additions and alterations to the existing buildings at the Cattaraugus Elementary School/Middle School/High School campus at 25 North Franklin Street. Second, the acquisition of approximately 7 acres of land from the Village of Cattaraugus, located approximately 600 feet west of the Cattaraugus Middle School-High School at the terminus of Hoyt Street and construction of new athletic fields, and third, acquisition of approximately 23 acres of land near NYS Route 353 approximately 1 mile south of the Village of Cattaraugus and construction of a new bus garage. Staff recommendation would be, as an interested agency, to concur with the Cattaraugus – Little Valley Central School District acting as lead agent for the SEQR review, to make no comments at this time, but to request that the Board be included for comments on the Draft EIS when it becomes available.

Richard Fuller moved with a second from Michael Zaprowski that as an interested agency, to concur with the Cattaraugus – Little Valley Central School District acting as

lead agent for the SEQR review, to make no comments at this time, but to request that the Board be included for comments on the Draft EIS when it becomes available.
Carried.

NYS INTERGOVERNMENTAL REVIEWS

Paul Bishop reported that we have received NYS Intergovernmental Reviews numbered STW#06.015 and STW#06.016. Staff recommendation is received, reviewed, no comment. The Board concurred.

OLD BUSINESS

City of Olean – Zoning Map Amendment – 23, 24, 25 & 26 Avenue A

Paul Bishop reported that at our April meeting the staff recommendation was to table for 30 days this referral from the City of Olean to allow the city time to submit a complete referral. The City Council has now tabled action on this rezoning due to various issues and is not expected to act on this in the near future. Therefore they have withdrawn the referral.

REPORTS / OTHER BUSINESS

Chairman's Report

Annual Dinner Meeting – Margaret Puszczy reported that all of the arrangements have been made and invitations sent out for the June 14th Annual Dinner Meeting to be held at the Randolph Volunteer's Firemen's Reception Hall in Randolph, NY.

Paul Bishop was able to make arrangements for Daniel A. Spitzer, Esq with Hodgson Russ, LLP, Buffalo, NY to be the keynote speaker on the topic of "Local Regulation of Wind Energy Development". He also reported that the recipient of the 2006 Brooks Patterson Community Leadership Award has been selected by the staff in consultation with Thomas Livak. Nancy Frazier from the Town of Humphrey will be honored during the dinner meeting (see attached bio).

Director's Report

Comprehensive Planning by Communities – Thomas Livak commented that he is pleased to report that the Towns of Carrollton and Great Valley are both now looking into some long range planning.

Vacant Positions – Mr. Livak reported that he is getting very close to choosing a person to fill the new Development Specialist position and he has one interview set up for the Senior Planner's position.

Tourism Video – Mr. Livak reported that the Department has hired a consultant to produce a tourism video that will include all seasons, events and activities.

Bed Tax Grants – He also reported that the Development and Agriculture Committee will be holding meetings concerning the Bed Tax Grants to Chambers of Commerce.

Casino Spending Plan – He has been preparing a Plan on how to spend the Casino Revenue, which has to be pre-approved in advance.

Airport – The Development and Agriculture Committee is considering holding a meeting at the Olean Airport facility. The County Planning Board might want to also attend that meeting as well.

Magnetometers – The County will be installing magnetometers at the main entrance(s) to the buildings and locking all other doors. Employees may be given swipe cards for use in entering locked doors. This new security system may impact evening meetings like the Planning Board.

Staff Reports

Allegheny National Forest Land and Resource Management Plan – Paul Bishop reported that the Allegheny National Forest is currently redoing its Land and Resource Management Plan. The Allegheny National Forest encompasses four counties totaling 500,000 acres. It is four or five times larger than Allegany State Park. Since the Forest is located directly to the south of our County, it bears keeping apprised of what they are doing.

Members Forum

City of Salamanca – Mike Zaprowski reported that there are plans to put up a building on Rochester Street in the Industrial Zone. After ten years, the City IDA will own the building. It will be 63,000 sq feet of industrial space. He also noted that the proposed development on the west end has to have some resolution by the City and Seneca Nation of Indians in order to get it started.

Photo of Planning Board's Meeting at the Casino – Jack Berger circulated a composite photo of the Board's meeting at the Casino in April.

Town of Carrollton – Florence Fuller reported that the Town of Carrollton has appointed a Planning Board and Paul and James are coming to a meeting next week.

STW Report

Robert Keis reported that STW's Local Government Conference held at Houghton was very well attended. STW held its Annual Dinner Meeting this past month and all existing officers positions were extended.

The Board members congratulated Mr. Keis on being elected Chairman of the STW Board for another year.

CORRESPONDENCE

The following correspondence was received and reviewed:

Dana G. Fitzpatrick - thank you for condolence letter and adjournment in memory of Jess Fitzpatrick.

Gerard J. Fitzpatrick Family – thank you for flowers.

JoAnn Duke, Ellicottville Library – thank you for the donation to the Ellicottville Library in memory of Jess Fitzpatrick to be used to purchase book(s) on Government in his memory.

Town of Ellicottville – Greystone Apartments – Site Plan review to allow the construction of four rental apartment units in two buildings at 6346 Route 242 East – approval with conditions.

Town of Ellicottville – Morningside Estates Subdivision – Master Planned Development for a 54-unit townhouse subdivision to be located on NYS Route 242 East - approved with conditions.

Village of Ellicottville – Area Variance to the specified setback requirements – to allow for construction of an addition to an existing residential structure located at 24 Mechanic Street – approval with specifications.

Village of Delevan - Zoning Text Amendment – Penalties – adopted.
City of Salamanca – Negative Declaration – Adoption of a local law amending the City of Salamanca Zoning Law.

Town of Rushford – Negative Declaration – Adoption of two local laws that relate to the Town of Rushford zoning Ordinance.

Town of Rushford – Notice of Public Hearing – Adoption of two local laws that relate to the Town of Rushford Zoning Ordinance.

Town of Allegany – Site Plan Review – Mining of Gravel (Giardini) – Gargoyle Park Road – approved with 19 conditions.

ADJOURNMENT

Michael Zaprowski moved with a second from Jack Berger to adjourn the meeting at 8:40 p.m. Carried.

APPROVED AS SUBMITTED JUNE 29, 2006.

BROOKS PATTERSON COMMUNITY LEADERSHIP AWARD

The **Brooks Patterson Community Leadership Award** is presented annually by the Cattaraugus County Planning Board to a community leader who exemplifies the outstanding spirit and example that Torrance Brooks and Donald Patterson set during their lifetime of dedicated service to their respective communities, County Legislature, County Planning Board, and regional agencies. The recipients of this annual award are chosen to give countywide recognition to leaders and volunteers who make lasting contributions to the people and communities of Cattaraugus County and its region. The theme for this award is "People Are Our Greatest Resource". In this spirit, we present the Brooks Patterson Community Leadership Award for the Year 2006 to:



NANCY FRAZIER

For Outstanding Leadership in Community Planning and Development of a Comprehensive Plan for the Town of Humphrey

Comprehensive Plan Development – As a member of the Town of Humphrey Planning Board from 2003 to 2004 and chairperson during 2005, Nancy developed and put together, with assistance from the members of the Town Planning Board and guidance

from the Cattaraugus County Planning Board staff, a Comprehensive Plan for the Town of Humphrey. This Plan was approved by the County in the Fall of 2005 and adopted by the Town of Humphrey in January 2006. It is the first land use tool of any kind adopted by the Town of Humphrey.

Nancy states, "As a lifetime resident, I enjoy living in the beautiful countryside of Cattaraugus County, and I was happy to be able to put together a Comprehensive Plan for the Town of Humphrey that will preserve our wonderful rural area for my grandchildren."

Franklinville Central School – Nancy was the Business Office Manager for 27 years at the Franklinville Central School.

Self Employed – Nancy was a "stay at home" Mom, Town Tax Collector and an Accountant for various small businesses for seven years.

St. Bonaventure University - Nancy was an employee of St. Bonaventure University in the business office for six years.

Community Volunteer – Nancy currently is serving as a Councilwoman for the Town of Humphrey. She also volunteers for community events such as the "Blueberry Day" festival and previously for ten years plus at the "Franklinville Maple Festival".

Education – Nancy is a graduate of Ellicottville Central School and successfully completed classes at Bryant and Stratton Business Institute and St. Bonaventure University.

Family – Nancy is the proud mother and grandmother of a daughter who resides in Erie, PA, a son who resides in Humphrey, and four grandchildren.

Retirement – Nancy states that she is enjoying retirement after working for so many years. "It is nice to have time to travel, read, and spend time with my grandchildren."

CONGRATULATIONS