

Cattaraugus County Planning Board
County Center
Little Valley, NY
7:00 pm

PLANNING BOARD MEMBERS PRESENT: Ann Padlo, Secretary
Jack Berger
Kameron Brooks
Florence Fuller
Richard Fuller
Robert Keis
David McCoy
Michael Zaprowski

PLANNING BOARD MEMBERS ABSENT: William E. Sprague, Chairman
Paul Mager, Vice Chairman
Charles Couture, Assist. Sec
Tina Abrams
David Rivet

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

GUESTS: Joan Petzen, Chairman Ag & Farmland Protection Board
Larry Ploetz, St. Paul's Lutheran Church
Sharon Turano, Jamestown Post-Journal
Brian Quinn, Salamanca Press
Kathy Kellogg, Buffalo News

Secretary Ann Padlo called the meeting to order at 7:02 p.m. and stated that in the absence of Chairman Sprague and Vice Chairman Mager she would be chairing the meeting this evening.

Secretary Padlo asked for a Roll Call, which disclosed that eight members were present, which constitutes more than a majority.

Secretary Padlo asked each one present to introduce themselves.

APPROVAL OF MINUTES

Richard Fuller moved with a second from David McCoy to approve the July 27, 2006 meeting minutes as submitted. Carried.

NEW BUSINESS**General Municipal Law Section 239 (l) & (m) Referrals****Town of Mansfield – Zoning Map and Zoning Text Amendment**

James Isaacson reported that the Town of Mansfield is proposing to revise their Zoning Ordinance, based on their adopted Comprehensive Plan of 2004. New regulations include: adult uses, bed & breakfasts, town house developments, yard sales, telecommunications facilities, and performances for commercial establishments (there are no commercial zones). They have expanded the Planned Unit Development regulations and have added site plan review regulations, which they didn't have before. On the zoning map, dense residential development is focused near Ellicottville along Route 242. They will be allowing townhouse development in the densest district. This is a Type 1 SEQR action with no determination made. A public hearing was held on August 21, 2006. Staff recommendation is approval.

Kameron Brooks moved with a second from Michael Zaprowski to approve the Town of Mansfield's proposed revision of their Zoning Map and Zoning Ordinance. Carried. Robert Keis abstained.

Town of Ellicottville – Special Use Permit/Site Plan Review – Expansion of St. Paul's Lutheran Church

Paul Bishop reported that the Town of Ellicottville has referred a Special Use Permit and Site Plan Review for the expansion of St. Paul's Lutheran Church located at 6360 Route 242 East (Tax Map No. 46.004-1-52.1). The current zoning is HD District. The expansion is for the existing church: a new sanctuary and narthex, and the expansion of the parking lot. The Zoning Ordinance requires one parking space for every five seats (300 seats / 5 = 60 spaces required). There are currently 42 existing spaces and the site plan provides 28 additional spaces plus 6 handicapped spaces, for a new total of 76 spaces. This also requires a granting of a height variation (from 28' allowed) due to the height of the cupola (33'). The Town Planning Board has approved the 25% increase in height that they are allowed to grant per the zoning ordinance (up to 35'). A Short SEQR EAF has been completed. An Ag Data Statement has been completed. The property is in a Floodplain, but the building expansion is not located on the floodplain. A Public Hearing was held on August 28, 2006. Staff recommendation is approval.

Larry Ploetz representing St. Paul's Lutheran Church stated that the current building was built in 1964. Because of the increase in guests during Church services, the need to expand has occurred. This has been a seven year process. They would like to break ground this Fall if at all possible.

Richard Fuller moved with a second from Florence Fuller to approve the referred Town of Ellicottville Special Use Permit/Site Plan Review for the expansion of St. Paul's Lutheran Church at 6360 Route 242 East. Carried.

City of Salamanca – Zoning Map Amendment – 34 Center Street

James Isaacson reported that the City of Salamanca has referred a zoning map amendment for 34 Center Street (Tax Map No. 73.077-1-4) from B-3 Neighborhood Commercial to R-1 Single Family Residential. The parcel is four acres in size and currently has a single-family home on it. The Salamanca Elementary School is across the street from this land. The landowners are interested in developing their lot for townhouses. The Land Use Concept Map in the City's Comprehensive Plan of 2001 shows this area as "residential low density". This rezoning is consistent with the Comprehensive Plan. A public hearing was held on August 9, 2006. Staff recommendation is approval.

Upon discussion, Robert Keis moved with a second from David McCoy to approve the City of Salamanca's Zoning Map Amendment of 34 Center Street from B-3 (Neighborhood Commercial) to R-1 (Single Family Residential). Carried. Michael Zaprowski abstained.

City of Salamanca – Site Plan Review – 734 Broad Street

Paul Bishop reported that the City of Salamanca has referred a Site Plan Review for construction of a 2-story, 7,200 sq. ft. building footprint (14,400 sq. ft. total) on a 0.83-acre site located at 734 Broad Street (Tax Map Nos. 73.069-1-38 and 73.069-1-39). The proposed use is retail and restaurant on first floor, and business and professional offices on second floor. The originally submitted building design was reviewed and altered to bring it into compliance with the West End Overlay Zoning District. Upon staff review, there are three areas of concern: 1) The parking spaces numbered 20-26 that front on Broad Street and 40-45 that front on Center Street should be screened from the road. The methods to accomplish this can be found in Cattaraugus County's Smart Development for Quality Communities Design Guidebook, Volume 2, examples HC.8, HC.10 and VC.7. 2) There is no provision shown for snow storage or removal. The City should require the applicant to define his method of addressing this issue. 3) There is no provision shown for pedestrian access to the site. Since a sidewalk currently exists along the frontage of the property on Broad Street, for pedestrian safety, provision should be made from this sidewalk into the site.

The SEQR Short EAF was completed. A public hearing will be held on Thursday, September 7, 2006 at the City of Salamanca Court Room.

Staff recommendation is approval, with the following advisories:

- 1) Parking spaces numbered 20-26 that front on Broad Street and 40-45 that front on Center Street should be screened from the road using the methods found in Cattaraugus County's Smart Development For Quality Communities Design Guidebook, Volume 2, Examples HC.8, HC.10 and VC.7.
- 2) The City should require the applicant to define his method of addressing snow storage and removal.
- 3) Well-marked pedestrian access should be provided from the Broad Street sidewalk into the site.

Jack Berger moved with a second from Richard Fuller to approve with three advisories the City of Salamanca's referred Site Plan Review for new construction of a 2-story, 7200 sq. ft. building footprint (14,400 sq. ft. total) for a retail, restaurant, business and professional offices at 734 Broad Street. The three advisories being: 1) Parking spaces numbered 20-26 that front on Broad Street and 40-45 that front on Center Street should be screened from the road using the methods found in Cattaraugus County's Smart Development For Quality Communities Design Guidebook, Volume 2, Examples HC.8, HC.10 and VC.7. 2) The City should require the applicant to define his method of addressing snow storage and removal and, 3) Well-marked pedestrian access should be provided from the Broad Street sidewalk into the site. Carried. Michael Zaprowski abstained.

Environmentals

Town of Allegany – SEQR Final EIS/Findings Statement – Wal-Mart Expansion

Paul Bishop reported that we have received notice that the SEQR Final EIS has been completed for the Wal-Mart Expansion in the Town of Allegany. The Town of Allegany has issued a Findings Statement. Items of interest are:

- 1) *The restricting of left hand turns exiting Dan Eaton Drive to Route 417 – they will not be restricting at this time. NYS DOT is currently conducting a study of traffic on the Route 417 corridor. Wal-Mart has agreed to establish an escrow account for a post-development assessment of traffic operations at the Dan Eaton Drive intersection with Route 417, which will determine the impact on traffic operations and assess the effectiveness for the directional signage being implemented within the plaza. This post-development traffic study will occur no sooner than 12 months and no later than 18 months after occupancy.*
- 2) *Pedestrian Access – a sidewalk connection to Route 417 has been included. However, it crosses over lands now owned by New York State and controlled by the NYS Department of Environmental conservation, and the Town must obtain a permit to locate a sidewalk on these lands. Wal-Mart will post funds to an escrow account in an amount adequate for the design and construction of the sidewalk. The sidewalk will be maintained by the plaza owner and Wal-Mart.*

Mr. Bishop also noted that the Town anticipates reviewing the final Site Plan in September.

Village of Ellicottville Zoning Board of Appeals – SEQR Lead Agency Status – Ellicottville Inn

James Isaacson reported that the Village of Ellicottville Zoning Board of Appeals is requesting SEQR Lead Agency Status for the Ellicottville Inn Use Variance project. This Use Variance will change the permitted use of the property to allow the property owners to convert the Ellicottville Inn (hotel) structure to multi-dwelling apartments or condominium units. The referral for this Use Variance was reviewed previously. Staff recommendation is that the County Planning Board, as an interested agency should have no objection to the Village of Ellicottville Zoning Board of Appeals serving as Lead Agency for this action.

Michael Zaprowski moved with a second from Robert Keis that the Cattaraugus County Planning Board, as an interested agency, has no objection to the Village of Ellicottville Zoning Board of Appeals serving as Lead Agency for the purpose of conducting an environmental review of the proposed Ellicottville Inn Use Variance application pursuant to Part 617.6 (b) of the NYS Environmental Quality Review (SEQR) Act. Carried.

Erie County Department of Environment & Planning – SEQR Lead Agency Status – Framework for Regional Growth in Erie and Niagara Counties Plan

James Isaacson reported that the Erie County Department of Environment and Planning has sent a solicitation for SEQR Lead Agency Status for the Framework for Regional Growth in Erie and Niagara Counties Plan, which is a policy plan for both counties and is intended to guide the decision making actions of each County government as said decision affect physical development. The deadline for response to this request was three days ago. However, staff recommendation is that the County Planning Board, as an interested agency, should respond anyway as having no objection to the Erie County Department of Environment and Planning serving as Lead Agency for this plan.

Kameron Brooks moved with a second from Michael Zaprowski that the Cattaraugus County Planning Board, as an interested agency, has no objection to the Erie County Department of Environment and Planning serving as Lead Agency for the purpose of conducting an environmental review of the proposed Framework for Regional Growth in Erie and Niagara Counties pursuant to Part 617.6 (b) of the NYS Environmental Quality Review (SEQR) Act. Carried.

Nys Intergovernmental Reviews

Paul Bishop reported that NYS Intergovernmental Reviews numbered STW #06.026 and 027 have been received. Staff recommendation is received, reviewed, no comment. The Board concurred.

OLD BUSINESS

Secretary Padlo stated that she is very pleased that the City of Olean has received a good deal of money to use for renovations to the Olean Airport. Hopefully the City can grow and bring in new people.

REPORTS

Chairman's Report

September Meeting – Paul Bishop reported that the Cattaraugus Creek Watershed grant work will be starting up with a kick-off meeting on October 3rd in Springville. Bruce Carpenter of NY Rivers United, who sponsored and received the grant, would like to make a presentation on the grant work to the Planning Board at the September meeting.

Kameron Brooks felt that a presentation would be a good idea to give us more information on the project.

Mr. Bishop stated that he would proceed with the arrangements.

Three Year Plan & Budget Committee Meeting Minutes

Copies of the minutes were distributed at the beginning of the meeting (attached).

Robert Keis stated that the extension of Route 219 beyond Ashford is not on the State's Five Year Plan. We need to get it included in the next Federal Transportation Bill. A new group is being formed to take a look at this situation.

Discussion concerning monies for Route 219.

Discussion concerning the Three Year Plan.

Secretary Padlo stated that in the absence of Committee Chairman Paul Mager and with the agreement of the Three Year Plan & Budget Committee, she would suggest that further discussion and adoption of the Three Year Plan be tabled until the next meeting. The Committee and Board agreed.

Director's Report – none

Staff Reports

Agricultural and Farmland Protection Plan Forums – Paul Bishop reported that the first three of the forums were held on August 7th and 8th. He attended the Machias and Perrysburg forums, which were both well attended with roughly 20 people at each one. Good discussions. The main topic at both forums was the excessive tax burden and how they are looking for this Plan to help resolve some of this burden. The Randolph meeting was not well attended.

Joan Petzen reported that Diane Held, of the American Farmland Trust has been invited to give presentations to the Towns of Freedom and Conewango. This is a positive step.

Paul Bishop stated that Diane's services are free to the Towns.

Joan Petzen stated that one of the recommendations in the Plan is to do some education concerning farming such as a Farm Day. The Telaak Farms will be hosting a "Visit the Farm" Day on October 14th. She encouraged everyone to attend and to bring friends and neighbors.

Paul Bishop stated that the next three forums are: September 11th at the East Otto Fire Hall at 7:30 pm, September 12th at the Maplehurst Livestock Auction in Hinsdale at 1:30 pm, and at the Great Valley Fire Hall at 7:30 pm. Also on the morning of the 12th, there will be a meeting with the Amish at the Valley View Cheese Factory at 9:30 am.

Secretary Padlo asked about the Halal project in Randolph.

Joan Petzen stated that the Halal Meat Processing plant is off to a good start. There is a good deal of interest by producers in growing goat and lambs for the industry. However, in order for the animals to meet the Halal standards, there is a lot to learn. The animals have to be grown

organically and to the Halal standards which are very different from the accepted standard growing practices.

Paul Bishop reported that WSPQ Radio in Springville contacted the County and will hold a live interview with Joan and Phil Gottwals on September 1st at 9:10 am concerning the Agricultural and Farmland Protection Plan.

Agricultural and Farmland Protection Board Meeting – James Isaacson reported that this Board had met on August 24th. They were updated on the Ashford Meadows Agricultural District eight-year review and informed that agricultural data is still needed from the farmers of that district. They were also informed that we will be starting the eight year review of the Southwest Agricultural District, which encompasses towns in the Randolph area. The 30-Day Notice of Public Review will start on September 12th and go until October 12th.

Mr. Isaacson reported that the Agricultural and Farmland Protection Board discussed and approved establishing a process to follow when a parcel that is in an agricultural district is combined with a non-agricultural district parcel. The question that had arisen was: Should the benefits of being in an Agricultural District extend to the non-agricultural portion of the newly combined parcel? Ag & Markets didn't know and recommended that each county come up with its own process. Staff recommended that the combined parcels be included in the Agricultural District on an annual basis during the Annual 30 Day Period for Inclusion with the landowner's permission. The new parcel would then be officially within the agricultural district.

Mr. Isaacson also reported that the Agricultural and Farmland Protection Board discussed requesting money in the 2007 budget for implementation of the Ag Plan since it is anticipated that the Plan will be adopted by the County Legislature later this year. This line item will be added to the Department of Economic Development, Planning and Tourism budget. Money amounts will be determined during the budget process.

STW Regional Wind Energy Conference – Paul Bishop reported that he had attended the STW Regional Wind Energy Conference held on August 29th at the Erie 2 BOCES LoGuidice Center in Fredonia, NY. He noted that Florence Fuller, Dave McCoy and Kathy Kellogg had also attended. He stated that one of the topics covered was agricultural impact. In Lewis County they have actually created an Empire Zone in which there are 198 wind turbines. Other topics included wind energy and wildlife and Mr. Spitzer, our annual dinner speaker, presented SEQR and land use topics similar to the ones presented in Randolph.

David McCoy stated that it was a great program. STW did a good job coordinating.

Florence Fuller concurred.

Members Forum – none

STW Report

Robert Keis reported that the STW Board had met on August 17th and had been updated on the *Regional Wind Energy Conference* which they hosted on August 29th and which we discussed earlier in this meeting.

Mr. Keis reported that the *Broadband Development Initiative* is progressing. STW is in the process of creating a not-for-profit corporation for this project and investigating funding opportunities as well as exploring the necessary path the fiber must take to meet up with other networks and to create a loop to encompass Chautauqua, Allegany and Cattaraugus counties.

Mr. Keis stated that STW has been working with the *NYS Archives Local Government Records Managements Improvement Fund* since 1990 and has worked on 34 cooperative grants in the three counties totaling \$774,275, which has helped 130 local governments organize, dispose, preserve, microfilm, or image local government records.

Mr. Keis again noted that a group interested in moving plans forward for *Route 219* as a four-lane highway held a preliminary meeting at the STW offices on August 11th, to discuss the possibility of getting Route 219 transportation issues into the State plan and included in the next Federal Transportation Bill.

CORRESPONDENCE

The following correspondences were received and reviewed:

Town of East Otto – Special Use Permit – Retail Business –9423 East Otto – Springville Road – approved.

Village of Ellicottville – Special Use Permit for a change of use from retail to real estate office at 12 Washington Street – approved contingent on certain conditions being met.

Village of Ellicottville – Area Variance of the rear yard setback requirements as specified for individual lots in the Greer Hill Subdivision and Village Zoning Local Law of 2005 for 2 Greer Hill Road (Sub Lot. No. 10) – approved contingent upon the construction being subject to the review and inspection of the Chief Code Enforcement Officer/Building Inspector of the Village of Ellicottville.

Village of Ellicottville – Area Variance of the side yard setback requirements of the Village Zoning Local Law of 2005 for the Village Residential District at 19 E. Washington Street - approved contingent upon the construction being subject to the review and inspection of the Chief Code Enforcement Officer/Building Inspector of the Village of Ellicottville.

City of Salamanca – Zoning Text Amendment to provide that a written notice of changes to zoning use districts of parcels be mailed to all owners within 125 feet - adopted August 9, 2006.

Village of Little Valley - Variance – 106 2nd Street – approved.

Next Meeting – Secretary Padlo announced that the next meeting will be September 28, 2006.

ADJOURNMENT

Jack Berger moved with a second from Florence Fuller to adjourn the meeting at 8:25 p.m. Carried.

APPROVED AS SUBMITTED SEPTEMBER 28, 2006.