

Cattaraugus County Planning Board  
County Center  
Little Valley, NY  
April 26, 2007  
7:00 pm

PLANNING BOARD MEMBERS PRESENT: Paul Mager, Vice Chairman  
Ann Padlo, Secretary  
Charles Couture, Assist. Sec.  
Jack Berger  
Robert Keis  
David McCoy  
David Rivet  
Michael Zaprowski

PLANNING BOARD MEMBERS ABSENT: William E. Sprague, Chairman  
Tina Abrams  
Kameron Brooks  
Florence Fuller  
Richard Fuller

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

GUESTS: Bill Henderson, WLH Architect  
Mary George, City of Olean  
Lynn J. Corder, Olean Food Pantry  
Gerald Zimmerman, Bethany Lutheran Church  
Ronald Leman, Town of Allegany Fire Department  
Frank Hall  
Robert J Wenzel, Allegany Fire Department  
Mike Shane, Allegany  
Greta Gregory, Cloud & Co, Salamanca  
David Paoletta, Director of Planning City of Salamanca  
Brian Quinn, Salamanca Press

Vice Chairman Mager called the meeting to order at 7:02 p.m. and welcomed everyone to the meeting.

## **APPROVAL OF MINUTES**

*David Rivet moved with a second from Michael Zaprowski to approve the February 22, 2007 minutes as submitted. Carried.*

**NEW BUSINESS****General Municipal Law Section 239 (l) & (m) Referrals****Village of Allegany – Site Plan Review – 186 W. Main Street – New Fire Station**

Paul Bishop reported that the Village of Allegany Planning Board has referred a Site Plan Review from the Town of Allegany Board of Fire Commissioners, who propose construction of a new fire station adjacent to the Robert Livingston Community Center at the corner of First St. and West Main St. (Route 417) in the Village of Allegany (Tax Map Nos. 93.043-1-4 (location of Community Center) and 93.043-1-5 (corner lot). The fire station will hold their vehicles plus contain offices, a classroom and locker facilities. Also, note that the extension to the corner will be a special glass enclosure for display of their newly refurbished 1948 Mac fire truck.

The corner lot was formerly the site of a Mobil service station. The Village has received a letter from NYS DEC stating that they have no objection to the building's construction. They do, however, recommend the installation of passive vapor collection piping and vapor barrier beneath the floor of the new building with a vent to exhaust any collected vapors above the roof of the building. This passive system should be designed in such a way that it can be retrofitted to be actively vented, if necessary. Construction activities will be coordinated with Exxon Mobil's consultant (Groundwater & Environmental Services, Inc - GES). A meeting to discuss these issues was held on April 23rd.

Since both parcels are entirely within the 100-year floodplain, the Village will require that the provisions of the Village of Allegany Local Law #1-1992 (a local law for Flood Damage Prevention) must be complied with as part of the Site Plan Approval. Note that emergency vehicles will be able to access the new fire hall from either First St. or Route 417. The existing fire hall will be kept and used for storage of equipment.

A SEQR Short EAF and Negative Declaration have been received. A Public Hearing has not yet been scheduled. Staff recommendation is approval with an advisory that the Fire Department and the Village contact the NYS Department of Transportation regarding signage on Route 417 east and west indicating the presence of the Fire Hall and alerting vehicles that they should exercise caution due to the possibility of emergency vehicles entering the highway.\_

Bill Anderson, architect for the project, showed the Planning Board a model of the proposed project.

Ann Padlo asked if the building would be handicap accessible?

Mr. Anderson replied yes.

Paul Mager asked about parking.

Mr. Anderson explained the parking.

In response to the concern about the access from 1<sup>st</sup> Street to Route 417, Mike Shane stated that they are in the process of limiting that access working with NYSDOT to install proper traffic controls for emergency access. The Fire Company will control the red light.

*David Rivet moved with a second from David McCoy to approve the referred Village of Allegany Planning Board's Site Plan Review for new construction of Fire Station at 186 W. Main Street with an advisory that the Fire Department and the Village should contact the NYS Department of Transportation regarding signage on Route 17 east and west indicating the presence of the Fire Hall and alerting vehicles that they should exercise caution due to the possibility of emergency vehicles entering the highway. Carried.*

### **Village of Allegany – Use Variance – East Union Street – Housing-Industrial Zone**

James Isaacson reported that the Village of Allegany Zoning Board of Appeals had referred a Use Variance request to build a two-story apartment complex on East Union Street between South 7<sup>th</sup> and South 5<sup>th</sup> Streets. This area is zoned Industrial (this is next to the Agway Building property). The parcel is located completely in a 100-yr Flood Plain. A public hearing was held on April 25<sup>th</sup> with the community objecting to this proposal. We received a fax this afternoon stating that the applicant has withdrawn their Use Variance request. Therefore, the referral is withdrawn from our agenda.

### **City of Olean – Site Plan Review – 7 Leo Moss Drive – Warehouse & Office Space**

Paul Bishop reported that the City of Olean Planning Board has referred a Site Plan Review for the construction of a building containing a warehouse (food pantry) and additional office space for the Bethany Lutheran Church at 7 Leo Moss Drive (Tax Map No. 94.047-1-27.1). The warehouse portion will be 30' x 54' and there will be a 30' x 32' adult education/conference room for the church. The original church building was constructed in 1996-97. At that time, the Incentive Zoning Clause (Article 5.) of the City of Olean Zoning Law was invoked to grant a use variance for the church in the General Industrial Zone. One of the amenities offered for the change of use was a payment to have the City redo Lincoln Avenue (now Leo Moss Drive) and Buffalo Street intersection for safety purposes. The proposed driveway to the new building may require an easement from the County since a small segment falls on County property. The County's Department of Public Works should be consulted on the orientation of this driveway in relation to its intersection with Leo Moss Drive so as to ensure the safety of the vehicles that use Leo Moss Drive and the parking lot to the west of the County Building and Leo Moss Drive. This is an Unlisted Action under SEQRA. A Short EAF and Negative Declaration have been received. There is a 100-year floodplain on the western portion of the parcel. A Public Hearing was held on April 23<sup>rd</sup>. A special meeting of the City Planning Board will be held on Monday, April 30, 2007.

Staff recommendation is approval with two advisories: 1) That the County's Department of Public Works is consulted on the orientation of the driveway in relation to its intersection with Leo Moss Drive so as to ensure the safety of the vehicles that use Leo Moss Drive and the County parking lot that is to the west of the County Building and Leo Moss Drive, and 2) That the applicant provides verification that the proposed building is located outside the limits of the 100-year floodplain.

Lynn J. Corder, Olean Food Pantry, reviewed the history of the Church and the Food Pantry for the Board and stated that this will be a good fit for both the Church and the Food Pantry.

*Charles Couture moved with a second from David McCoy to approve the City of Olean Planning Board's referred Site Plan Review for construction of a warehouse and office space at 6 Leo Moss Drive with two advisories: 1) That the County's Department of Public Works is consulted on the orientation of the driveway in relation to its intersection with Leo Moss Drive so as to ensure the safety of the vehicles that use Leo Moss Drive and the County parking lot that is to the west of the County Building and Leo Moss Drive. 2) That the applicant provides verification that the proposed building is located outside the limits of the 100-year floodplain. Carried.*

### **City of Salamanca – Site Plan Review – 636 Wildwood Ave – Convenience Store**

James Isaacson reported that the City of Salamanca Planning Board has referred a Site Plan Review for the construction of a 5,952 sq. ft. convenience store at 636 Wildwood Avenue (Tax Map No. 73.073-9-7). The existing convenience store will be demolished. The new convenience store will include gas pumps. The applicant originally proposed to keep the existing building and try to fit the gas pumps on the site, but that would not work. This site plan is a great improvement over the first proposal. The City held a meeting earlier this month at which time the neighbors requested a higher screening in the rear than was proposed, either a higher fence (or a berm with fence). Lighting will be mostly building mounted and will be shielded in the rear of the building. This is an Unlisted Action under SEQR with no determination made to date. A Public Hearing will be held on May 3, 2007. Staff recommendation is approval.

David Paoletta, Director of Planning for the City of Salamanca, stated that this has been a contentious project, with the biggest hurdle being the neighbors and mainly because of misunderstandings. The new contractors worked with the neighbors and brought them on board early in the planning process. This is a permitted use under the zoning. The City feels that this is a valuable business for the City of Salamanca and the Planning Board supports it.

*Ann Padlo moved with a second from Charles Couture to approve the City of Salamanca Planning Board's referred Site Plan Review for the construction of a 5,952 sq. ft. convenience store at 636 Wildwood Avenue. Carried. Michael Zaprowski abstained.*

### **Wind Energy Facilities Letter**

Paul Bishop stated that he believed all members of the Planning Board had received a letter from an individual concerning Wind Energy Facilities. Kameron Brooks felt that the Planning Board should respond in some manner to this letter and perhaps take a position on Wind Energy Facilities.

Charles Couture suggested that we contact the writer indicating that Wind Energy Facilities are individual Town issues and are reviewed on a case-by-case basis.

Paul Mager stated he doesn't believe that the Board should take a stance on Wind Turbines – good or not.

*Upon further discussion, it was the consensus that the Board would take no action on the letter other to note that it had been received.*

### **Intergovernmental Reviews**

Paul Bishop reported that Intergovernmental Reviews numbered STW#07.005 through STW#07.018 had been received, reviewed, no comment. The Board concurred.

### **OLD BUSINESS – None**

### **REPORTS / OTHER BUSINESS**

#### **Chairman's Report**

**Annual Dinner** – Upon discussion, it is was the consensus to hold the Annual Dinner on June 13, 2007 at the Seitz's Country Lodge, Delevan. The Topic of the evening will be "Agricultural and Farmland Protection Planning and State Funding Programs". The speakers will be John Brennan, Farmland Protection Specialist, NYS Department of Agriculture and Markets speaking on the State Funding Programs available to municipalities and Joan Petzen, Chair of the Agricultural and Farmland Protection Board speaking on the County's Agricultural and Farmland Protection Plan.

Tom Livak stated that the Equine Advisory Committee would like to do a brief update on their activities during the Planning Board's meeting.

Ann Padlo stated that the County will be celebrating its 200<sup>th</sup> anniversary in March 2008 and suggested that the Bicentennial Committee be allowed to have a display and/or present.

*Upon discussion, it was felt that it was too early to have anything on the Bicentennial. It was the consensus, however, to let the Equine Advisory Committee to have a display and a few minutes to do their brief update.*

**Brooks Patterson Community Leadership Award** – Paul Bishop presented several names for consideration for the award. Charles Couture suggested another name. It was the consensus of the Board to give the award to the name suggested by Charles Couture.

#### **Director's Report**

**New Local Development Corporation (LDC)** – Tom Livak reported that the County Legislature met recently with an attorney from Hodgson and Russ concerning the creation of an LDC. This initial meeting is the beginning of an indepth process looking into this matter. The main reason for considering creation of an LDC is utilization of the Casino Funds. Many activities are not feasible within county government due to restrictions of State Constitution.

**NYS Snowmobile Association Annual Meeting** – Tom Livak reported that on April 14<sup>th</sup> he and Joseph Williams had given a presentation to the Annual Meeting of the NYS Snowmobile Association in Rochester, New York on how Cattaraugus County promotes snowmobiling in Cattaraugus County. There were approximately 700 people in attendance.

**Buffalo Niagara Enterprise Presentation (BNE)** – Tom Livak reported that on May 9<sup>th</sup> the BNE will present to the County Legislature its plan to expand and/or develop agri-businesses in Western New York. Tom stated that we need to focus on agri-business not just on the producer end, but also on the processor end. He also noted that there is money in the County's budget as well as in the Casino Spending Plan for implementation of the Agricultural and Farmland Protection Plan.

**Theme Brochures** – Tom Livak reported that the Department is currently working on three new theme brochures: Geology, County Museum and Equestrian Trails. He also reported that the Equine Advisory Committee will be attending the Horse Expo in Syracuse in May and will be taking the Equestrian Trails Brochure for distribution. The Bicentennial Committee is also considering developing a "Heritage Tourism" brochure.

Charles Couture reported that Blue Hill Farms is the first farm in Cattaraugus County to be certified as an organic farm.

Paul Mager stated that he wanted to compliment the Department on the fine 2006 Annual Report.

Charles Couture noted that Cattaraugus County has been designated as the I Love NY Winter Festival area.

Tom Livak stated that the Chautauqua – Allegany Region has been designated as the I Love NY Winter Festival area with Holiday Valley's Winter Carnival as the featured event for the region.

### **Staff Reports**

**Agricultural and Farmland Protection Plan** – Paul Bishop reported that the Agricultural and Farmland Protection Plan went "live" on March 28<sup>th</sup>. Phil Gottwals, Joan Petzen, Tom Livak and Paul Bishop gave a brief presentation to the Legislature prior to Legislature approval.

**Leadership Cattaraugus** – Paul Bishop reported that Joan Petzen met with Leadership Cattaraugus and pointed out to them that for the past 2-3 years they have had nothing on agriculture included in their program. In the future there will be one and half hours on agriculture.

**Ag Issues Forum** – Paul Bishop reported that on Tuesday, April 10<sup>th</sup> at the American Legion in Ellicottville, the Agricultural and Farmland Protection Board held its first Ag Issues Forum. The topics were: 1) What is Agricultural Assessment? 2) How does NYS Determine Agricultural Assessment Values? 3) Local Cattaraugus County Examples. 4) Steps to Apply for Agricultural Assessment, and 5) Agricultural District

Enhancement Proposal. Joan Petzen, Cornell Cooperative Extension; Brian Davis, Cattaraugus County Soil and Water Conservation; Nancy Barney, Director Cattaraugus County Real Property Tax Service; and Robert Wright, Real Property Analyst, NYS Office of Real Property Services were the speakers. There were approximately 50 people in attendance. It was a good session with lots of questions.

**Annual Ag District Inclusions** – Paul Bishop reported that the County Legislature held a public hearing, yesterday, April 25<sup>th</sup> on the inclusion into a certified agricultural district of agricultural parcels submitted during the 2007 thirty-day inclusions period. The Legislature will adopt these parcels into their respective Agricultural Districts at their May 9<sup>th</sup> meeting. Last year there were 10 parcels totaling 429 acres included. This year there are 23 parcels totaling 1144 acres.

**Trail Easement Workshop** – James Isaacson reported that as part of the Quality Community Grant work program, the County hired the UB Law School Environmental Law Clinic to prepare a Model Trail Easement Agreement for snowmobile clubs and equestrian trails. On April 24<sup>th</sup> we held a Trail Easement Workshop at the American Legion in Ellicottville. The topics covered were: 1) Permanent Protection of Trail Systems Using Easements; 2) The Trail Easement; 3) The Conservation Easement with Public Recreation Component; 4) The Recreation Use Statute; 5) Detailed Look at Trail Easement Provisions; and 6) Detailed Look at Conservation Easement Provisions. The speakers were: Roberta A. Vallone, Esq., Director, University at Buffalo Law School's Environmental Law Clinic and Polly Hampton, Student, University at Buffalo Law School's Environmental Law Clinic. There were 43 people in attendance. Both the snowmobile and equestrian communities were equally represented. There was a lot of discussion on the liability of easements. There is not a clear answer on liability but the information was helpful.

**Allegheny National Forest Revised Forest Plan** – Paul Bishop reported that the Forest's 1986 Plan has been revised and updated. He detailed some of the changes and noted areas/items that are of interest.

### **STW Report**

Robert Keis reported on the April 19<sup>th</sup> STW Board Meeting. The **Local Government & Community Services Program** is developing a training series for municipalities to learn how to manage their basic infrastructure facilities. The training will focus on operations, maintenance, repair of water and sewer systems, ready electric, roads and bridges, etc. Informational meetings will be held in each county to give the public an opportunity to explain issues they deal with and resources available to solve these issues.

STW is redirecting their focus on the **Wind Energy Program**. In response to a recent increase of incentives for development of small wind projects, STW is trying to expand the program to cover installation of smaller wind turbines. They currently are visiting communities within the region on a monthly basis to try and develop more involvement in wind energy projects and help interested communities get started in the process.

STW is submitting an application through the Telecommunications Initiative of the Appalachian Regional Commission to promote an **e-government program** across the region. If funded, the project will help educate municipalities on creating, promoting, and utilizing websites; encourage the use of Internet as a means to gather and disseminate information; educate on how networks can be used to transfer data between separate facilities within the same municipality; and promote the use of e-bay in the dispersal of excess materials.

**STW Local Government Conference** – Robert Keis also reminded that the annual conference in Houghton is May 9<sup>th</sup>.

### **Members Forum**

Charles Couture reported that Joan Petzen had formed a group of Cooperative Extension and Farm Bureau members to meet with the Lt. Governor in Olean earlier today. Input on ag issues, energy, feed cost, dairy bill.

David Rivet reported that the Village of Cattaraugus has let contracts for cleanup of the Bush Lot Site (Champion). The contractor will be demolishing the structures on the site. Once the site is cleaned up it should be shovel ready for generating taxes and jobs.

Ann Padlo congratulated David Rivet on his election as Mayor of the Village of Cattaraugus.

Ann Padlo thanked Tom Livak for his presentation to the Bicentennial Committee on what the Department can do for the Bicentennial.

Charles Couture reported that construction on Route 219 is progressing. They are discussing putting up site barriers so that “site seers” will not cause traffic accidents.

### **CORRESPONDENCE**

The following correspondence was received and reviewed:

Town of Randolph – Special Use Permit for Hazel Spence, owner of property at Section 70.004 Block 12 lot 15 at 11003 Hatchery Road, Randolph, NY 14772, to place a 28’ x 60’ double wide mobile home on the property - approved.

### **ADJOURNMENT**

*David Rivet moved with a second from Jack Berger to adjourn the meeting at 8:30 pm. Carried.*

**APPROVED AS SUBMITTED MAY 31, 2007.**