

Cattaraugus County Planning Board  
County Center  
Little Valley, NY  
May 31, 2007  
7:00 pm

PLANNING BOARD MEMBERS PRESENT: William E. Sprague, Chairman  
Ann Padlo, Secretary  
Tina Abrams  
Kameron Brooks  
Florence Fuller  
Richard Fuller  
Robert Keis  
David McCoy  
David Rivet  
Michael Zaprowski

PLANNING BOARD MEMBERS ABSENT: Paul Mager, Vice Chairman  
Charles Couture, Assist. Sec.  
Jack Berger

PLANNING DIVISION STAFF: Christopher G. Crawford, Senior Planner  
Paul R. Bishop, Planner  
Margaret E. Puszcz, Stenographic Secretary

GUESTS: None

Chairman Sprague called the meeting to order at 7:00 p.m. and welcomed everyone to the meeting.

### **APPROVAL OF MINUTES**

*Michael Zaprowski moved with a second from Robert Keis to approve the April 26, 2007 minutes as submitted. Carried.*

### **NEW BUSINESS**

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

##### **Town of East Otto – Area Variance – 8186 Otto East Otto Road – Garage**

Chris Crawford reported that the Town of East Otto Zoning Board of Appeals has referred a request for an area variance for the construction of a garage on an approximately 1.75 acre site (Tax Map No. 27.004-1-11.4) at 8186 Otto East Otto Road situated less than 500 ft. from a county or state road right of way (Co. Rt. 12).

His review consisted of examination of the Town Zoning Ordinance, applicant submitted documents, Article 25AA of Agricultural District Law and GIS data layers. His findings were:

- Based on the relatively small scale of the project, there is no significant countywide or intercommunity impact in accordance with §239-I of NYS General Municipal Law.
- The buildings currently on site do not meet with the town's setback requirements (> 100 ft. from centerline of road to nearest building, currently 65 ft.)
- If granted, the area variance will require site plan review under §12.3 of the Town's Zoning ordinance
- Although submitted, the area variance request does not require an 'Ag data' statement, only required for a use variance.
- Additionally, our data indicates that the parcel is not in an agricultural district, although it is within 500 ft.
- It is a Type II action under SEQR. An environmental review is not required.
- Ag Data Statement was included, but is not required based on findings above.
- A Public Hearing was held on 5/17/2007.

Staff recommendation is the proposed project has no significant countywide or intercommunity impact. However, given the findings above the following advisories are recommended:

- 1) The Town ZBA should use the proposed test outlined in §267-b (3) of Town Law in determining the disposition of the requested area variance for 8186 Otto-East Otto Road (copy to be enclosed).
- 2) The Town Planning Board should review the proposed site plan in accordance with §12.3 of the Town's Zoning Ordinance.
- 3) Ag Data Statements are generally not required for area variances. The exception being when such a variance accompanies a request for County Planning Board review of special use permit, site plan approval, use variance or subdivision approval.
- 4) The Ag Data Statement submitted indicates that the parcel for which an area variance is being requested lies within an Agricultural District. Our recently reviewed database of agricultural district parcels does not include this parcel.

Ann Padlo asked a question pertaining to the type of garage being requested.

Chris Crawford responded by reviewing the procedure that is used by the Planners to determine whether a referral to the County Planning Board will have or not have a significant countywide or inter-community impact. He also reviewed the procedure they use once the determination has been made that a project may have an impact.

*Ann Padlo moved with a second from Robert Keis that the Town of East Otto Zoning Board of Appeals referred area variance request for the construction of a garage at 8186 Otto-East Otto Road will have no significant countywide or inter-community impact and to give the Town ZBA the four above recommended advisories. Carried.*

**Town of Allegany – Area Variance – 4637 South Nine Mile – Mobile Home**

Chris Crawford reported that the Town of Allegany Zoning Board of Appeals has referred an area variance to set a mobile home 16' closer to the Zink Road right of way than is currently allowed by §4.03 in the Town's zoning ordinance at 4637 South Nine Mile (Tax Map No. 93.001-1-1). The area variance was referred based on its proximity (within 500 feet) of a county highway (Co. Rd. 60) and the Allegany River.

His review consisted of examination of the applicant submitted request for an area variance, public hearing notice, Town Zoning Ordinance and GIS data layers of the area. His findings were:

- Based on the relatively small scale of the project and that access would be from Zink Road (not Co. Rd. 60), granting of an area variance for the proposed action poses no significant countywide or intercommunity impact in accordance with §239-I of NYS General Municipal Law.
- There is already an existing home on the lot. §5.18 (B)(3) of the Town's Zoning Ordinance suggests that individual manufactured or mobile homes placed on a lot in the AF district shall be the principal use on a single-family lot.
- The mobile home will be placed in the F-O Floodplain Overlay District.
- This is a Type II action under SEQR. An environmental review is not required.
- An Ag Data Statement is not required.
- A Public Hearing is scheduled for 6/04/07.

Staff recommendation is that the granting of an area variance poses no significant countywide or inter-community impacts. However, given the findings above the following advisories are recommended;

- 1) The Town ZBA, perhaps in conjunction with the Town Planning Board, should examine the issue surrounding §5.18 (B)(3) of the Town's Zoning Ordinance to determine its applicability to the applicant's proposed placement of a mobile home on the single-family residential lot with a pre-existing home.
- 2) The Town ZBA should examine the applicability of Local Law No. 1 – 1987 "A Local Law for Flood Damage Prevention" with respect to the placement of a mobile home in the F-O Floodplain Overlay District.

*Michael Zaprowski moved with a second from Tina Abrams that the Town of Allegany Zoning Board of Appeals referral for an area variance to set a mobile home closer to the Zink Road right of way than is allowed in the Town's Zoning Ordinance has no significant countywide or inter-community impact with the two advisories recommended above. Carried.*

**Town of Ellicottville – Area Variances – Rt. 242W – Townhouses**

Paul Bishop reported that the Town of Ellicottville Zoning Board of Appeals has referred two area variances for the Songbird Subdivision in the Towns of Ellicottville and Mansfield at Route 242 West near Hencoop Hollow Road (Tax Map Nos. 55.002-1-1, 55.002-1-2, 55.002-1-4 in Ellicottville and 55.001-2-23.1 in Mansfield).

Mr. Bishop stated that this townhouse development has been before us previously for SEQR Lead Agency designation of the Town Planning Board for a coordinated review. One of the concerns of the Town Planning Board is that part of the site is the former location of the Village of Ellicottville dump, so they recently made a positive SEQR declaration and are currently waiting for the applicant to provide a draft Scope for the Board's review.

This latest version of the development calls for 18 units. The first variance is for proposed unit #16, which is located entirely within the 15-foot front yard setback. The second variance is for proposed units #1 and #2 to have a side yard variance to allow a setback of three feet for unit #2 and zero feet for unit #1, whereas the zoning ordinance requires a minimum side yard setback of 15 feet. It is noted that about half of unit #1 is in the Town of Mansfield.

Part of the property is located in a floodplain, but does not affect the project. A Public Hearing is scheduled for June 4<sup>th</sup> at 5:30 pm at the Ellicottville Town Hall.

Mr. Bishop stated that the staff has questions about separate SEQR reviews. Normally variances are a Type II Action with no review required. However, it appears that since the Town ZBA became an Involved Agency of the Town Planning Board's original SEQR review once the project was modified in such a way that variances were required, the staff feels that the ZBA cannot act on the variances until either a Final EIS is filed or the Lead Agency agrees to and substantiates the need for a segmented review per the requirements of SEQR.

Staff recommendation would be no significant countywide or inter-community impact with an advisory concerning the questions about separate SEQR reviews.

Robert Keis stated that the Town of Mansfield Town Board and Planning Board are aware of this project. They are concerned about the sewer and water line to unit #1 that is partially in the Town of Mansfield, since there is no sewer or water district in that area of the Town of Mansfield.

Kameron Brooks asked what the second variance for unit #1, which is partially in the Town of Mansfield, is varying from – the lot line?, the town line?

Discussion.

Paul Bishop stated that based upon the discussion, he would recommend that the referral be returned as an Incomplete Referral for the following reasons:

- 1) For the second variance - it is unclear what the variance is being requested from (lot line? town line?) for unit #1, which is partially in the Town of Mansfield.
- 2) An issue was brought to the Board's attention concerning the sewer and water line to unit #1 that is partially in the Town of Mansfield - that issue being that there is no sewer or water district in the Town of Mansfield in that area. This issue should be resolved with the Town of Mansfield before the project is allowed to proceed.
- 3) In regards to the SEQR process, it appears that since the Town of Ellicottville Zoning Board of Appeals became an Involved Agency of the Town of Ellicottville Planning

Board's original SEQR review once the project was modified in such a way that variances were required [see 6NYCRR Part 617 Section 617.2 (S)], it is the advice of the County Planning Board that the ZBA cannot act on the variances until either a Final EIS is filed or the Town of Ellicottville Planning Board (Lead Agency) agrees to and substantiates the need for a segmented review per the requirements of 6NYCRR Part 617 Section 617.3 (G) (1).

*Kameron Brooks moved with a second from Richard Fuller that the referred Town of Ellicottville Zoning Board of Appeals referral for two area variances for the Songbird Subdivision in the Towns of Ellicottville and Mansfield at Route 242 West near Hencoop Hollow Road be returned as an Incomplete Referral for the 3 reasons recommended above. Carried.*

### **Intergovernmental Reviews**

Paul Bishop reported that Intergovernmental Reviews numbered STW#07.019 through STW#07.020 had been received, reviewed, no comment. The Board concurred.

### **OLD BUSINESS – None**

### **REPORTS/OTHER BUSINESS**

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

**Annual Dinner** – Chairman Sprague noted that the Annual Dinner will be held on June 13<sup>th</sup> at the Seitz's Country Lodge in Delevan, NY with John Brennan, Farmland Protection Specialist with the NYS Department of Agriculture and Markets as the guest speaker on the topic of Agricultural Farmland Protection Planning and State Funding Programs. Joan Petzen, Chair Cattaraugus County Agricultural and Farmland Protection Board will also give a presentation on the County's recently adopted Agricultural and Farmland Protection Plan and the accomplishments to date.

**Brooks Patterson Community Leadership Award** – Chairman Sprague noted that at last month's meeting it was the consensus of the Board to present this year's Community Leadership Award to Joan S. Petzen for her leadership and service in agricultural planning and farmland protection (see attached).

#### **Director's Report – None**

#### **Staff Reports**

**Village of South Dayton/Town of Dayton Comprehensive Planning** – Paul Bishop reported that he and James Isaacson had met with the Village of South Dayton and the Town of Dayton on comprehensive planning. The Village has no zoning. The Town has a very limited zoning ordinance. Paul and James presented them with examples of town and village joint comprehensive plans such as Town and Village of Franklinville. It appears that the Village of South Dayton and Town of Dayton will be working together to do a joint comprehensive plan.

**Village of Gowanda Comprehensive Planning** – Chris Crawford reported that he has attended two meetings of the Village of Gowanda Planning Board. He assisted them in putting together data from their survey, created some maps, and showed them how to obtain relevant Census data. He will be meeting with them this coming Monday on the updating of their comprehensive plan.

**Countywide Zoning Digitizing** – Chris Crawford reported that he has been digitizing the zoning maps of municipalities who have zoning with the exception of the Town and Village of Ellicottville. The goal would then to be able to have all zoning maps within the County overlaid on the GIS. He will be going out to all the towns and villages, asking: “Is this your Zoning?” This will be part of the GIS parcel viewer. It will be good for the municipalities. He is currently building the database. The project will take about a year to complete.

**Countywide Infrastructure Digitizing** – Chris Crawford reported that he has been digitizing sewer and water lines for all the communities in the County with a few exceptions. He needs to check with the municipal DPW’s concerning the lines. STW has already identified manholes, hydrants, etc.

Kameron Brooks asked about any changes to the lines in the future, will the municipalities give them to us?

Chris Crawford replied that one of the reasons for going out to the communities is to get them on board with the project and show them the importance of keeping the County informed of changes to their water and sewer systems.

**Source Water Protection Zoning** – Chris Crawford reported that there is a need in our County to identify wellhead protection areas. He discussed with the Board the importance of identifying these wellhead protection areas and encouraging municipalities to do Source Water Protection Zoning.

Chris stated that New York seems to be behind Massachusetts in the area of Source Water Protection Zoning. When he worked in Massachusetts, this was one of the areas that he concentrated his time on. Eric Wohlers, Director of Environmental Health has asked for assistance with the Villages of Allegany, Gowanda and Delevan in developing Source Water Protection Zoning, which can be done by creating a zoning overlay district for these villages. The New York Rural Waters Authority has funding available to help these municipalities in creating these overlay districts in their zoning. Eric and Chris will be starting in Allegany with this project.

Paul Bishop noted that the mapping of water and sewer lines in the County is one of the action items in the Agricultural and Farmland Protection Plan. We need to be very concerned about these lines because of their impacts on the retention of agricultural lands in the County.

**Agricultural and Farmland Protection Board** – Paul Bishop reported that the next meeting of the Agricultural and Farmland Protection Board will be on June 7<sup>th</sup> at 7:30 pm here at the County Center. The purpose of the meeting is to identify action items to

get started on to implement the Plan. We have \$25,000 between the Department's budget and the Casino Funds to start the implementation process of the Plan.

Paul also reported that he and Joan Petzen will be taking John Brennan from the NYS Department of Agriculture and Markets, our keynote speaker for the annual meeting, on a tour in order to familiarize him with our County.

Paul noted that when he contacted Joan to tell her that she would be the recipient of our Community Leadership Award, she was thrilled.

### **STW Report**

Robert Keis reported that Southern Tier West (STW) held its 37<sup>th</sup> Annual Dinner in conjunction with Cattaraugus Community Action, honoring Joseph K. Eade of Olean, who volunteered services on the Board of Directors for both organizations for more than 70 years. Keynote speaker was Lorraine A. Cortes Vazquez, the new Secretary of State. STW inducted three persons into the "Southern Tier West Wall of Fame", one of which was Jess Fitzpatrick. This Wall of Fame honors people who have shaped our lives and our region through their tireless efforts and unique talents.

Mr. Keis reported that during the Board meeting, they received an update on STW's Broadband Development Initiative. STW is currently working with a company in the Town of Ashford, to provide them with data lines, either through a fiber or wireless solution.

### **Members Forum**

Richard Fuller reported that the Town of Yorkshire and Village of Delevan are trying to get a business organization started to promote the businesses within these municipalities. There will be a meeting to this end on June 22<sup>nd</sup>.

Kameron Brooks reported that June 9<sup>th</sup> and 10<sup>th</sup> will be the 35<sup>th</sup> Annual Arts and Crafts Festival in the Village of Randolph. It has only been rained out once in all the years it has been held.

Ann Padlo reported that there will be a program on July 4<sup>th</sup> at the Veterans Wall of Honor in Olean.

### **CORRESPONDENCE**

The following correspondence was received and reviewed:

**Town of Ellicottville** – Area variance to allow a deck and stairs to come to within 35 feet of the rear property line, where Section 3-1D of the Zoning Ordinance requires a minimum rear yard setback of 100 feet – 7637 Lindberg Road - granted.

**Village of Allegany** – Site Plan Review for new construction of Fire Station – 186 W. Main Street – approved.

**City of Olean** – Site Plan Review for the construction of a building containing a warehouse (food pantry) and additional office space for the Bethany Lutheran Church – 7 Leo Moss Drive – approved with conditions including the advisories cited by Cattaraugus County Planning Board.

**City of Salamanca** – Site Plan Review for the construction of a 5,952 sq. ft. convenience store – 636 Wildwood Avenue – approved with 10 conditions.

**Town of Farmersville** – Local Law 1-2007/Wind Energy Facilities – Adopted April 30, 2007.

**Town of Allegany** – Cranberry Road Townhouses – SEQR Negative Declaration – February 12, 2007.

**Town of Perrysburg** – Amended Negative Declaration – Water District No. 1 at Versailles.

## **ADJOURNMENT**

*Kameron Brooks moved with a second from Robert Keis to adjourn the meeting at 8:10 pm. Carried.*

**APPROVED AS SUBMITTED JUNE 28, 2007.**



## **BROOKS PATTERSON COMMUNITY LEADERSHIP AWARD**

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 2007 to:



### **JOAN S. PETZEN**

#### **For Outstanding Leadership and Service In Agricultural Planning and Farmland Protection In Cattaraugus County New York**

**Cattaraugus County Agricultural & Farmland Protection Board –** Joan has been a member for 20+ years of this Board and is currently the Chair. In that role, and together with the Board, Joan has:

- Assisted planners and consultants in the development of "Cattaraugus County's Agricultural and Farmland Protection Plan". Over 225 people from farmers and agri-business owners to community leaders were involved in the planning process, which included a kickoff meeting, personal interviews, and focus group meetings across the County. Joan is excited about the opportunities this plan holds for Cattaraugus County agriculture.
- Developed a process for administering the County's Right-to-Farm Law and published a fact sheet documenting the procedures.
- Used her skill in community dispute resolution in dealing with farmer / neighbor relations issues.
- Worked with NYSDOT to ensure that the alignment of the Route 219 Expressway will take the least amount of prime agricultural land.
- Advised the County Legislature in the creation and maintenance of the Agricultural District Program in the County, which encompasses approximately 235,000 acres of agricultural land.

**Cornell Cooperative Extension Allegany-Cattaraugus County –** Joan has a Masters in Business Administration from St. Bonaventure University and a Bachelor of Science in Agricultural Economics and Animal Science from Cornell University. She is also a graduate of LEAD-NY, a two-year agricultural leadership development program. Her Cooperative Extension career spans 23 years.

In her position as Extension Issue Leader for Agriculture and Natural Resources - Business Management Educator, Joan teaches business management concepts including: financial analysis, personnel management, business transfer and retirement planning, enterprise evaluation, and budgeting for farms and small businesses.

Joan serves on the Cornell University Small Farm Program Work Team that is championing programs to build the College of Agriculture and Life Sciences ability to meet the research and education needs of small farms in the state.

Joan co-chaired a Cornell Cooperative Extension statewide project by twenty-five agents, faculty, and specialists that developed the "Your Dairy in Transition" workbooks to help dairy farm managers chart the future direction of their farm businesses.

As an active player in the pasture management arena, Joan led a pasture demonstration project in South Western New York that collected forage quality information on bi-weekly intervals for three seasons.

**Cooperatives –** Joan became involved with Cooperatives programming in the mid-1980's when the Western New York Crop Management Association Cooperative evolved from a local Extension pilot program. She helped to pilot the Alternative Agriculture Program for the Extension System in 1984. Since the first workshop series, she has worked with the Rural Enterprise Association of Proprietors (REAP) and helped them to start four Farmers Markets in small cities and villages in Western New York. Joan has also worked with the Specialty Animal Meat Cooperative (SAM), the Southern Tier Ostrich Producers, Canticle Farm Community Supported Farm, and, most recently, Halal Premium Foods, LLC and Pure Farm Goodness Livestock Cooperative to assist them in the development of organizational structures.

**Other Leadership Activities –** Joan continues her leadership activities with an active involvement in the New York State Agricultural Society, and the New York and National Associations of County Agricultural Agents (from which she received the "Distinguished Service Award" and the "National P.R.I.D.E. Award" for Public Relations in Daily Efforts). As part of the North East Region Executive Committee, Joan helped plan their 2005 Annual Meeting and Professional Improvement Conference that brought together 1,500 educators and their family members in Buffalo, New York.

**Family Background –** Joan grew up on a dairy farm in the Genesee Valley south of Rochester, New York. Dairy and processing sweet corn were the primary enterprises on her home farm. During her youth, she was active in both 4-H and the Junior Holstein Association. Today she

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continues as a partner in Sinclair Farms. Joan also assists her husband with the financial management of their family business – Steve Petzen Excavating.

Joan states “I have been involved in agriculture all my life. I grew up on a dairy farm and was mentored by my father, John Sinclair, on the importance of agriculture and preserving it for future generations, which I am striving to do.”