

Cattaraugus County Planning Board
County Center, Little Valley, NY
September 25, 2008
7:00 pm

PLANNING BOARD MEMBERS PRESENT: Charles Couture, Chairman
Paul Mager, Vice Chairman
Ann Padlo, Secretary
Michael Zaprowski, Assist. Sec.
Tina Abrams
Jack Berger
Richard Fuller
David McCoy
David Rivet
Mark Smith

PLANNING BOARD MEMBERS ABSENT: Kameron Brooks
Florence Fuller
Robert Keis

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

GUESTS: Kathy Kellogg, Buffalo News

Vice Chairman Mager called the meeting to order at 7:01 p.m. He welcomed and introduced Mark Smith, of South Dayton, new Planning Board member replacing William Sprague of Yorkshire.

ELECTION OF CHAIRMAN

Vice Chairman Mager stated that since Mr. Sprague had been Chairman, the Board needs to elect a chairman. He nominated Charles Couture for Chairman with a second from David Rivet.

Ann Padlo nominated herself for chairman with a second from Richard Fuller.

Michael Zaprowski moved with a second from Jack Berger to close the nominations. Carried.

Vice Chairman Mager called for a show of hands of those in favor of Charles Couture as chairman. Resulting in 8 hands.

Vice Chairman Mager called for a show of hands of those in favor of Ann Padlo as chairman. Resulting in 2 hands.

Vice Chairman declared Charles Couture as being elected chairman and turned the chairmanship of the meeting over to Mr. Couture.

Chairman Couture thanked the Board members for their confidence in electing him as their Chairman.

Chairman Couture opened nominations for Assistant Secretary. David Rivet nominated Michael Zaprowski with a second from Paul Mager.

Chairman Couture asked if there were any other nominations? Hearing none, he closed the nominations.

Paul Mager moved with a second from David Rivet asking the Secretary to cast one ballot for Michael Zaprowski as Assistant Secretary. Carried.

APPROVAL OF MINUTES

Michael Zaprowski moved with a second from Paul Mager to approve the June 26, 2008 meeting minutes as submitted. Carried.

Tina Abrams moved with a second from Michael Zaprowski to approve the July 28, 2008 meeting minutes as submitted. Carried.

NEW BUSINESS

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

Town of Napoli – Local Law – Telecommunication Facilities

Paul Bishop reported that the Town of Napoli is proposing to adopt a local law to regulate telecommunication facilities. The Town of Napoli does not have a comprehensive plan or zoning regulations. The law appears to be thorough and requires appropriate studies such as signal coverage, visual impact, and environmental. Other areas addressed include accessory building requirements, co-location regulations, maintenance, and decommissioning. A Full SEQR EAF was completed. A Public Hearing was held on September 8th, 2008 at the Napoli Town Hall. Staff recommendation is approval.

Michael Zaprowski moved with a second from Richard Fuller to approve the referred Town of Napoli Local Law entitled Telecommunication Facilities Regulating Communication Towers town wide. Carried.

Village of Franklinville – Comprehensive Plan

James Isaacson reported that the Village of Franklinville has referred a revised Comprehensive Plan. It is basically the joint Comprehensive Plan that had been done with the Town of Franklinville in 2000, updated with more current data. Not everything has been updated. Some out-of-date figures and statements still exist. In his review of the recommendations, he found one potential intercommunity impact. One of the

recommendations is to explore expanding water and sewer lines into the adjacent towns of Machias and Farmersville. These two towns do not have Comprehensive Plans and have no plans to handle growth from water and sewer expansions. Growth is not currently occurring that would justify extending water and sewer lines. The Comprehensive Plan does not anticipate or propose significant changes in the land use pattern, and attempts to direct commercial and industrial development to existing areas within and immediately surrounding the village. Also the expansion of water and sewer lines into these towns would have an impact on agricultural resources in the Farmersville-Freedom Agricultural District. The Comprehensive Plan does not address police services in the public safety portion of the Plan's recommendations.

Staff recommendation is approval with one modification and one advisory: The modification is to reconsider the recommendation to explore expanding water and sewer lines into adjacent towns and the advisory is to address police services in the public safety portion of the Plan's recommendations.

Richard Fuller moved with a second from Paul Mager to approve with modification and one advisory the referred Village of Franklinville's revised Comprehensive Plan. The modification being that the Village should reconsider the recommendation to explore expanding water and sewer lines into adjacent towns and the advisory being to address police services in the public safety portion of the Plan's recommendations. Carried.

Village of Franklinville – Sign Ordinance

James Isaacson reported that the Village of Franklinville has referred a zoning text amendment concerning Sign Regulations. The existing sign regulations are pretty minimal. The new regulations are more comprehensive, and provide clearer regulations for a variety of sign types. The new regulations do not pose any county wide or intermunicipal impacts. Staff recommendation is local issue, no countywide or intermunicipal impacts.

David Rivet moved with a second from Tina Abrams that the referred Village of Franklinville's zoning text amendment concerning Sign Regulations is a local issue with no countywide or intermunicipal impacts. Carried.

Village of Franklinville – Site Plan Review

James Isaacson reported that the Village of Franklinville has referred a proposed local law for Site Plan Review. This will introduce site plan review for development projects in the village. Just about any new construction of principal uses would require site plan review: new residences; new commercial and industrial uses; anything requiring a use variance; 50% increase in gross floor area. The only thing lacking is language referring site plans to the County Planning Board per General Municipal Law (GML) Section 239 I and m. Mr. Isaacson stated that initiating site plan review in Franklinville should not produce any countywide or intercommunity impacts. Staff recommendation would be approval with an advisory to include language to refer site plans to the County Planning Board in accordance with GML Section 239 I and m.

Mike Zaprowski stated that he doesn't feel that residences should be included. Richard Fuller agreed. The Board concurred.

Michael Zaprowski moved with a second from Richard Fuller to approve with 2 advisories the referred Village of Franklinville Local Law for Site Plan Review. The two advisories are: include language to refer site plan to the County Planning Board in accordance with General Municipal Law Section 239 l and m and reconsider residential uses for site plan review, as it seems excessive. Carried.

Town of Mansfield ZBA – Use Variance – 7681 Toad Hollow Road (County Rd 14)

Paul Bishop reported that the Town of Mansfield Zoning Board of Appeals has referred a Use Variance to operate an automotive repair shop in an existing garage at 7681 Toad Hollow Road - County Rd 14 (Tax Map No. 36.020-1-17). This type of use is not a Permitted Use or a Special Permitted Use in the R-3 District. No documentation was provided that the applicant demonstrated the unnecessary hardship that is required in order to grant a use variance (the "four-part test").

Staff concerns include no evidence of a State Environmental Quality Review - SEQR (required for a use variance), no Ag Data Statement provided (property is within 500 feet of a parcel that is in the South Branch Agricultural District), and no review on the impacts of the business on the stream at the rear of the property. Other items not addressed include signage requirements, ingress and egress issues with Toad Hollow Road, and number of vehicles and storage of parts allowed on the property. Hours of operation were discussed (Monday through Saturday 8:00 am to 10:00 pm and Sunday from 8:00 am to 8:00 pm).

Staff recommendation is the proposed action has no significant countywide or inter-municipal impact, with the following 8 advisories: 1) that the applicant provide the necessary documentation to justify a use variance as required by New York State Town Law §267-b.2.(b); 2) that the required SEQR be provided; 3) that the required Agricultural Data Statement be provided; 4) that the Town review the possible impacts of the business on the stream at the rear of the property; 5) that the Town review signage requirements with the applicant; 6) that the Town review ingress and egress issues with Toad Hollow Road (County Road 14) with the applicant and the Cattaraugus County Department of Public Works; 7) that the Town limit the number of vehicles and the storage of parts allowed on the property; and 8) that the Town consider further limiting the hours and days of operation discussed based on the business's location in a mostly residential area.

Michael Zaprowski moved with a second from Jack Berger that the Town of Mansfield Zoning Board of Appeals referred use variance to operate an automotive repair shop at 7681 Toad Hollow Road (County Road 14) has no significant countywide or inter-community impact with 8 advisories: 1) that the applicant provide the necessary documentation to justify a use variance as required by New York State Town Law §267-b.2.(b); 2) that the required SEQR be provided; 3) that the required Agricultural Data Statement be provided; 4) that the Town review the possible impacts of the business on the stream at the rear of the property; 5) that the Town review signage requirements with the applicant; 6) that the Town review ingress and egress issues with Toad Hollow Road (County Road 14) with the applicant and the Cattaraugus County Department of Public Works; 7) that the Town limit the number of vehicles and the storage of parts allowed on the property; and 8) that the Town consider further limiting the hours and days of operation discussed based on the business's location in a mostly residential area. Carried.

Environmental Reviews

Town of Allegany Planning Board – SEQR Lead Agency – Allegany Wind LLC

James Isaacson reported that the Town of Allegany Planning Board is proposing to act as SEQR Lead Agency for the Allegany Wind LLC project. Everpower Renewables is proposing a commercial wind farm to be located in the southwestern part of the Town, generally in the area of Chipmonk Road. The proposed project includes: 1) construction of thirty-two 2.5 megawatt commercial-scale wind turbines with a height, measured to the apex of the blade, of approximately 500 feet; 2) construction of approximately 10 miles of access road; 3) the installation of electrical collection lines, much of which will be buried and will follow the route of the access roads; 4) two permanent 80 meter tall meteorological towers; 5) construction of an operation and maintenance building; and 6) an on-site collection system substation and a proposed off-site, overhead electrical transmission line, which will connect the site to the grid. We will have further opportunity to comment on this project. Staff recommendation is no objection to the Town of Allegany Planning Board serving as Lead Agency for the SEQR review.

David McCoy moved with a second from David Rivet that the Cattaraugus County Planning Board has no objection to the Town of Allegany Planning Board serving as Lead Agency for the SEQR review of the proposed Allegany Wind LLC project. Carried.

Intergovernmental Reviews

Paul Bishop reported that Intergovernmental Reviews numbered STW#08.025 through STW#08.038 have been received. Staff recommendation is received, reviewed, no comment. The Board concurred.

OLD BUSINESS – None

REPORTS/OTHER BUSINESS

Chairman's Report

Route 219 Bridge – Chairman Couture asked David Rivet to update the Board on the Route 219 bridge situation.

David Rivet reported that State Senator Dale Volker of Erie County held a media event recently at the bridge site south of Springville. Senator Volker stated that there is a bill before both the Assembly and the Senate to have the State retain bridge maintenance. There is an 80% chance that this bill will be passed. Mr. Rivet stated that the bridge was built in 1955, even assuming a 75-year life span, it is going to be very expensive to maintain and neither county has the equipment needed to inspect or repair it.

Three Year Plan & Budget Committee

Paul Mager reported that originally this Committee was going to meet in August, but it never happened. He had talked with Chris Crawford, Senior Planner, who indicated that staff is working on a Strategic Plan that could take the place of the Three Year Plan.

Paul Bishop reported that he had discussed this with Joe Williams, Interim Director for the Department, and Mr. Williams indicated that he doesn't need the Three Year Plan for the budget process.

Discussion about the possibility of disbanding and/or renaming the Committee - no decision was made.

Department Reports

Community Transportation Coalition of Cattaraugus County – Paul Bishop reported that he and Chris Crawford have been working with private agencies, not for profits and County agencies that are concerned about transportation in Cattaraugus County. They are currently in the process of getting information on what is available, where the routes are, etc. They are using the GIS system to help them with this mapping. A brief survey has been sent out to obtain information. There are four areas they are focusing on: 1) reliability; 2) availability; 3) flexibility, and 4) marketability.

STW Report

In the absence of Robert Keis, Charles Couture, who is also a member of the STW Board, reported that there was a lot of discussion on the Broadband Initiative. They have targeted Randolph to get communications in the tri-county area and Birdsall in Allegany County.

Members Forum

National Alpaca Farm Weekend – Paul Mager reported that this coming weekend is National Alpaca Farm Weekend and over 20 farms in Cattaraugus County and Western New York will be participating. He also noted that the Federal Government now acknowledges Alpacas as livestock, which brings the benefits available through agriculture to Alpaca farmers.

Falling Leaves Festival/Bicentennial Parade – Michael Zaprowski reported that the this weekend is also the City of Salamanca's Falling Leaves Festival with an 80+ unit Bicentennial Parade on Sunday afternoon.

CORRESPONDENCE

The following correspondence has been received and reviewed:

Village of Ellicottville – Local Law imposing a Moratorium prohibiting the Village Code Enforcement Officer, Building Inspector, Planning Board and Zoning Board of Appeals from conducting hearings and issuing approval for any drive-through establishments in the Village Commercial District – VC-1 or the issuance of any building permits, site plan approvals, conditional use permits, or variances in connection therewith for a period of one year – adopted August 2008.

Town of Allegany – Area Variance – granted a 21' front yard variance to build a new, detached garage at 1791 DeSoto Lane – August 2008.

City of Salamanca – A Local Law amending the Zoning Law to change the use district classification of 50 Seneca Street and 79 Maple Street from R2 to B1 – adopted July 9, 2008.

City of Salamanca – A Local Law amending the Zoning Law to change the use District classification of 100 Wilson Street from R1 to I2 and Summit Street Lot from I2 to R1 – adopted July 9, 2008.

Village of Allegany – A Local Law amending certain portions of the Zoning Law pertaining to accessory apartments, thrift stores and other miscellaneous revisions to definitions and the Zoning Map – adopted August 11, 2008.

City of Olean – Area Variance for signage for new Tractor Supply Store at 1900 Constitution Avenue - approved by ZBA on May 22, 2008.

City of Olean – Area Variance for parking spaces for new Tractor Supply Store at 1900 Constitution Avenue – approved by ZBA on May 22, 2008.

City of Olean – Special Use Permit for construction of a new Tractor Supply Store, driveway entrances, parking, trailer equipment display areas and signage at 1900 Constitution Avenue – approved by Planning Board on June 23, 2008 with conditions.

City of Olean – Site Plan Review for construction of a new Tractor Supply Store, driveway entrances, parking, trailer equipment display areas and signage at 1900 Constitution Avenue – approved by Planning Board on June 23, 2008 with conditions.

Town of Great Valley – Adopted Zoning Law on September 8, 2008 – with the change to Article 12 as recommended by the Planning Board. Document also included some changes recommended by Department Staff.

ADJOURNMENT

Paul Mager moved with a second from Richard Fuller to adjourn the meeting at 7:55 pm. Carried.

APPROVED AS SUBMITTED OCTOBER 31, 2008.