

Cattaraugus County Planning Board
County Center, Little Valley, NY
January 28, 2010
7:00 pm

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

PLANNING BOARD MEMBERS ABSENT: Ann Padlo, Secretary
Tina Abrams
Kameron Brooks
Richard Fuller
Mark Smith

PLANNING DIVISION STAFF: Crystal Abers, Director EDP&T
James H. Isaacson, Senior Planner
Paul R. Bishop, Planner
Margaret E. Puszcz, Stenographic Secretary

GUESTS: Joe McLarney, Chair Development & Agriculture Committee of Legislature
Jason Crisafulli, Kinley Corporation

Chairman Couture called the meeting to order at 7:03 p.m.

APPROVAL OF MINUTES

Michael Zaprowski moved with a second from David Rivet to approve the December 3, 2009 minutes as submitted. Carried.

NEW BUSINESS

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

Village of Allegany – Site Plan Review – 35 W. Main Street

Paul Bishop reported that the Village of Allegany Planning Board had referred a Site Plan Review for the construction of a new office building at 35-39 Main Street (Tax Map Nos. 93.051-1-25, 93.051-1-26, 93.051-1-27). This \$1.3

million dollar project is an 80' x 40' x 24' to 32' high building with 6,000 sq. ft. of office space and 1,500 sq. ft. of storage space with 17 parking spaces provided. This is an Unlisted Action under SEQR. A Short EAF and Negative Declaration are required since it involves construction of a non-residential structure greater than 4,000 square feet of gross floor area. The rear portion of the site is within a floodplain. A public hearing has not been set.

Staff recommendation is approval, with an advisory: (1) that the Village Planning Board, in order to comply with the procedure defined in §239-m 2. of New York State General Municipal Law, rescind their approval decision of January 19, 2010 and vote to approve the Site Plan now that the County has rendered its decision.

Jason Crisafulli explained the project and stated that they are excited to be able to stay in this area and especially in downtown Allegany.

David Rivet moved with a second from Michael Zaprowski that the Village of Allegany Planning Board's referred Site Plan Review for the construction of a new office building at 35-39 Main Street be approved with an advisory that the Village Planning Board, in order to comply with the procedure defined in §239-m 2. of New York State General Municipal Law, rescind their approval decision of January 19, 2010 and vote to approve the Site Plan now that the County has rendered its decision. Carried.

City of Salamanca – Site Plan Review – 567 Broad Street

James Isaacson reported that the City of Salamanca Planning Commission has referred a Site Plan Review for the construction of a Tim Horton's restaurant and drive-through at 567 Broad Street (Tax Map No. 73.077-1-24) which is the southeast corner of Messenger Street (next to Parkview). The parcel size is approximately a half acre and is currently occupied by a vacant house. They are proposing one entrance off Broad Street with a parking area, drive-through lane, loading area, stormwater catch basins, and yard drains. Trees and shrubs will be planted along property lines, at roads and in lawn areas. Shrubs will be planted along Messenger Street to provide screening for residential property across the street. This is an Unlisted Action under SEQR. A Short EAF has been completed. A public hearing is scheduled for February 11, 2010. Staff recommendation is approval.

Discussion.

Florence Fuller moved with a second from David Rivet that the City of Salamanca Planning Commission's referred Site Plan Review for the construction of a Tim Horton's restaurant and drive-through at 567 Broad Street be approved. Carried. Mike Zaprowski abstained.

Town of Great Valley – Zoning Text and Map Amendments

James Isaacson reported that the Town of Great Valley has referred Zoning Text and Map Amendments for their recently adopted zoning ordinance. They are adding: a new Zoning District – HD – High Density which is located along Route 219 near Holiday Valley; a new requirement for a Snow Storage Plan for site plans, special use permits and PUD's; public and private road standards. The new Zoning District is for more intense development around Holiday Valley Resort and Sno-Pine Village. Development would be dependent on adequate water and sewer systems. The focus is on dense residential development and commercial recreation development. The road standards are simple and straight forward. The general

language like “sufficient, suitable, adequate” allows for flexibility on a case by case basis. The standards also provide for interconnectivity of future roads to discourage dead ends and cul-de-sacs. This is a Type 1 Action under SEQR, with no determination made. A public hearing has been tentatively scheduled for March 8, 2010. Staff recommendation is approval of the changes.

Paul Mager moved with a second from David McCoy that the Town of Great Valley’s referred Zoning Text and Map Amendments to their recently adopted zoning ordinance be approved. Carried.

Town of Allegany – Zoning Text Amendment – Wind Energy Overlay Zoning District

It was noted that 30 days have elapsed since this referral was received on December 9, 2009, therefore according to General Municipal Law Section 239-m.4.(b) the municipality may legally proceed if a County Planning Board does not respond to a submitted zoning referral within 30 days.

ENVIRONMENTAL REIVEWS

Town of Allegany – SEQR Lead Agency – Bonaventure Square Planned Development District

Paul Bishop reported that the Town of Allegany Planning Board is seeking SEQR Lead Agency Status for the Bonaventure Square Planned Development District. It is located at the former site of the Castle Restaurant and Motel. It is currently zoned C-1 Commercial and R-1 Residential. This proposal is for the formation of a Planned Development (PD) Zoning District to allow for the construction of a mixed-use residential, entertainment and recreational development district. This Planned Development Zoning District would encompass approximately 17 acres (Tax Map Nos. 94.061-1-32, -31.3, -31.1, -30, -13.1, -40.2, -31.4). A Full EAF under SEQR was submitted. Staff recommendation is that the Cattaraugus County Planning Board concurs with the Town of Allegany Planning Board assuming Lead Agency Status for the environmental review of the Bonaventure Square Planned Development District.

Discussion.

David McCoy moved with a second from David Rivet that the Cattaraugus County Planning Board concurs with the Town of Allegany Planning Board assuming Lead Agency Status for the environmental review of the Bonaventure Square Planned Development District. Carried.

Intergovernmental Reviews

Paul Bishop reported that Intergovernmental Reviews numbered STW#09-050 through STW#09-054 and STW#001.10 through STW#004.10 have been received, reviewed, no comment. The Board concurred.

OLD BUSINESS – None

REPORTS / OTHER BUSINESS

Chairman's Report

Chairman Couture welcomed Crystal Abers, new Director of the Department of Economic Development, Planning and Tourism and Joseph McLarney, new Chairman of the Development and Agriculture Committee of the County Legislature.

Report of Nomination Committee & Election of Officers

Jack Berger, Chairman and Florence Fuller reported that all current officers are willing to serve another year.

Jack Berger moved with a second from Florence Fuller to ask the Secretary to cast one vote for the following officers: Charles W. Couture, Chairman; Paul D. Mager, Vice Chairman; Ann Padlo, Secretary; and Michael Zaprowski, Assistant Secretary. Carried.

2010 Tourism Activities Guide and Snowmobiling Brochure – Copies of the 2010 Tourism Activities Guide and the Snowmobiling Brochure were distributed to the members for their information.

Department Reports

Letters of Support – Paul Bishop reported that since the last Planning Board meeting, two requests had been received for letters of support. The first one was in late December from Rick LeFeber requesting a letter of support for the Erie Cattaraugus Rail Trail, Inc. efforts to create a multi-use recreational trail utilizing the currently unused 27.6 mile section of the Buffalo & Pittsburgh Railroad line running from Orchard Park in Erie County to the Town of Ashford in Cattaraugus County. Since Volume 4 of our guidebook series encourages development of trails, he had contacted Chairman Couture and a letter of support was sent out with the Chairman's signature.

The second letter of support that was requested came in mid January from the Village of Gowanda and the Gowanda Area Redevelopment Corporation requesting support of their efforts to obtain funding through the USEPA Great Lakes Restoration Initiative to be used for the remediation and then the redevelopment of the Peter Cooper Site in Gowanda. Again since Volume 4 of the guidebook series mentions and discusses trails and outdoor recreation in Gowanda and even mentions that the highest and best use of the Peter Cooper Site would be a "multi-use recreational facility" a letter of support was sent out with the Vice Chairman's signature in the absence of the Chairman.

Mr. Bishop stated that in the past, the requests have been presented to the Board and the Board has passed a resolution of support. Since these two requests couldn't wait for the Planning Board's meeting, these letters were sent out by the Chairman and Vice Chairman on behalf of the Board. The question today is, in the future does the Board want to vote on these letters of support, or would the procedure used in these two instances be sufficient? *Upon discussion, it was the consensus of the Board that the procedure used would be sufficient in the future unless the issue were controversial.*

Census 2010 – Paul Bishop reported that he and Crystal Abers had attended the ceremony for the opening of the Batavia Census 2010 office. They had asked Paul to speak. He spoke on behalf of the Complete Count Committee. The ceremony was held in North Tonawanda.

Agricultural and Farmland Protection Board – Paul Bishop reported that the Agricultural and Farmland Protection Board met on Tuesday, January 26th for further discussion on the Cattaraugus County Comprehensive Economic Development Strategy (CEDS). The Ag Board has been working with Phillip Gottwals, Consultant on this document. The Ag Board approved the CEDS and forwarded it to the Cattaraugus County Legislature requesting them to adopt the CEDS and then to send it to the United States Department of Commerce, Economic Development Administration for review and approval. The County Legislature adopted the CEDS at its meeting on Wednesday, January 27th and authorized it to be sent to the United States Department of Commerce, Economic Development Administration for review and approval.

Best of America by Horseback on RFD TV – James Isaacson reported that Tom Seay, host of the show Best of America by Horseback which airs weekly on RFD TV was here in September for four days, two in Cattaraugus County and two in Chautauqua County, filming equestrian and other tourism related attractions. The filming was so successful, that two shows have been produced. The first show, Part 1 - Western New York Trail Rides in the Allegany Mts. of Chautauqua and Cattaraugus Counties, NY - episode #243, will air on Thurs. February 18th @ 1:30 pm and 11:00 pm and again on February 20th at 11:00 AM. The second show, Part 2 – Western New York Trail Rides in the Allegany Mts. of Chautauqua and Cattaraugus Counties, NY - episode #244, will air on Thurs. February 25th @ 1:30 pm and 11:00 pm and again on February 27th @ 11:00 am. Through the Tourism office, there will be a 30 second commercial airing during the show advertising our region.

STW Report

Charles Couture reported that the STW Board had received an update on the **broadband projects**: Swain Ski Center had broadband access this season. Broadband services will be promoted in this area and sold to households. The next steps include building a tower in Rushford and negotiating for a location to put a tower in Angelica. He also reported that they had received an update on **Census 2010** activities.

Members Forum

Michael Zaprowski reported that a consortium of interested entities in Salamanca has been formed to discuss the refurbishing of Main Street with an art theme. On February 3rd, they will be hiring a consultant that will inventory the buildings noting historical significance, structural design, etc.

David Rivet reported that the new Dollar General in the Village of Cattaraugus opened its doors for business on January 27th. Also the Village has sold the Bush lot.

Robert Keis noted that through his travels around the country, he believes that the economy seems to be picking up.

Crystal Abers noted that she had attended the grand opening of the Tamarack Club at Holiday Valley in Ellicottville. There is a diversification that is emerging in our County that is amazing. Jack Berger reported that there is currently a 300 acre horse farm owned by William Schettine in Randolph. Mr. Schettine raises thoroughbred racing horses under the name of "Signature Stallions".

CORRESPONDENCE

Village of Little Valley Zoning Board of Appeals – Use Variance – 425 Erie Street – granted.

Village of Randolph – Special Use Permit to establish a new business to include a growing greenhouse and retail market at 19 Main Street – approved with the stipulation that access to the site is to be limited to one entrance and the location of the entrance is to be coordinated through NYSDOT.

Carol Ash, Commissioner of NYS Office of Parks, Recreation and Historic Preservation – thank you for support letter concerning the rail banking the portion of the Buffalo & Pittsburgh railroad right-of-way in southern Erie and northern Cattaraugus Counties that has been proposed for abandonment.

Next Meeting – February 25, 2010 at 7 pm, County Center, 3rd Floor, Little Valley, NY

ADJOURNMENT

Chairman Couture reported that Frances Andera, a life time farmer from the Ellicottville area and an avid supporter of agriculture passed away on December 31, 2009. He requested a moment of silence and adjournment in his memory.

Michael Zaprowski motioned with a second from Florence Fuller that

- (1) The Cattaraugus County Planning Board adjourns its January 28, 2010 meeting in **memory of Francis Carl Andera** who passed away on December 31, 2009 at the age of 76;
- (2) The Cattaraugus County Planning Board requested that a letter of condolence be sent to Mr. Andera's family from the Board members and staff;
- (3) The Cattaraugus County Planning Board expressed its sorrow on Mr. Andera's passing, and gave tribute to his legacy, as follows:
 - a) Fran served as a member of the Cattaraugus County Agricultural and Farmland Protection Board for 26 years (June 25, 1980 – December 31, 2006) representing dairy farmers of Cattaraugus County. He actively promoted the preservation of prime agricultural land through the agricultural districting program and the Agricultural and Farmland Protection Plan.
 - b) Fran served as an active member of the Cattaraugus County Soil and Water Conservation District Board for 35 years (1974 – 2009). He felt strongly about preserving Cattaraugus County's soil and water for future generations. He and his family received the Soil and Water Conservation Award in 1996.
 - c) Fran was a member of Farm Bureau and worked with assemblymen, senators and congressmen for the Farm Bureau of Policy Execution for 29 years. His farm was a 25-year Dairy of Distinction. He and his family received the Governor's Award for Excellence in Agriculture in 1989.

- d) Fran was a member of the Cornell Cooperative Extension Board and was past president of the Cattaraugus County Holstein Club.
- e) Fran served as a member of the Ellicottville Central School Board of Education for 25 years (1977 – 2002). His goal was to provide the best education possible for the school district's children so that they could thrive in the world around them.
- f) Fran actively served his community as a member of the Great Valley Methodist Church and was a member of the Church Board.
- g) Fran served his country in the United States Air Force during the Korean War. He was a member and past commander of the Ellicottville American Legion Post 659 and served several years as the Cattaraugus County Legion commander.
- h) Fran's most important role in life, he felt, was being a dad and grandfather to many.
- i) Fran is survived by his wife of 54 years, Barbara Fuller Andera. A son, Christopher (Cathy) Andera of Great Valley. He was like a father to Rex (Debi) Fuller of Mayville and Becky Tabak of Great Valley. Five grandchildren: Brooke and Nathan Andera, Josh and Jen Fuller and Lacy Tabak. Also surviving are a brother, David (Barb) Andera of Great Valley; four sisters, Helen Lincoln of East Otto; Barbara (Paul) Allen of Northville; Carole Hanson of Gowanda and Joyce (Victor) Hines of Jeromesville, Ohio, and several nieces and nephews. He was a major role model for Doug Chapman, Duane Tabak and Beaver Herman, and "Grandpa" to many.

The loss of Francis Andera's presence will be sadly felt by his family, many friends and colleagues in Cattaraugus County.

Motion Carried at 8:10 pm.

APPROVED AS SUBMITTED MARCH 25, 2010.