

CATTARAUGUS COUNTY PLANNING BOARD

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Cattaraugus County Planning Board
Cattaraugus County Center, Little Valley, NY
December 8, 2011
7:00 pm

Board Officers

Charles W. Couture
Chairman

Paul D. Mager
Vice Chairman

Ann Padlo
Secretary

Michael Zaprowski
Assistant Secretary

Board Members

Tina J. Abrams

Kameron Brooks

Florence J. Fuller

Richard P. Fuller

Robert C. Keis

David L. McCoy

Joseph Pillittere

Mark Smith

James Valent

PLANNING BOARD MEMBERS PRESENT:

Charles Couture, Chairman
Paul Mager, Vice Chairman
Ann Padlo, Secretary
Michael Zaprowski, Assist. Sec
Florence Fuller
Richard Fuller
David McCoy
Joseph Pillittere
Mark Smith
James Valent

PLANNING BOARD MEMBERS ABSENT:

Tina Abrams

Kameron Brooks
Robert Keis

PLANNING DIVISION STAFF: Crystal Abers, Director
Paul Bishop, Senior Planner
James Isaacson, Senior Planner
Margaret Puszcz, Keyboard Specialist

GUESTS: None

Chairman Couture called the meeting to order at 7:00 pm.

APPROVAL OF MINUTES

Michael Zaprowski moved with a second from Florence Fuller to approve the minutes of the September 29, 2011 meeting as submitted. Carried.

NEW BUSINESS

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

City of Salamanca – Zoning Text & Map Amendments – Broad Street

James Isaacson reported that the City of Salamanca is proposing to change the zoning designation of some Broad Street parcels from R1 (single family residential) to B2 (General Commercial). The parcels are on the north side of the street. The City recently rezoned parcels on the south side of the street.



At the time of that rezoning request, the B2 District did not allow residential uses. The Comprehensive Plan calls for the preservation of residential character in this area, while still allowing for commercial development. In order to remain consistent with their Comprehensive Plan, the City recently amended their B2 District use regulations to allow single family, two-family, and multi-family residential units in the commercial districts by special use permit. With this new amendment to the B2 District, the rezoning of the West end of Broad Street to a commercial district will be able to be consistent with the Comprehensive Plan, as residential uses are allowed. This is an Unlisted Action under SEQR with a Negative Declaration made by the City. A public hearing was held on November 9, 2011. Staff Recommendation is approval as it is consistent with the City's Comprehensive Plan.

Paul Mager moved with a second from Joseph Pillittere to approve the City of Salamanca's proposed change to the zoning designation of some Broad Street parcels from R1 (single family residential) to B2 (General Commercial). Carried. Michael Zaprowski abstained.

Town of Yorkshire ZBA – Use Variance – 3347 West Yorkshire Road

Paul Bishop reported that the Town of Yorkshire ZBA has referred a Use Variance for a wireless telecommunications tower at 3347 West Yorkshire Road (Tax Map No. 4.002-1-26.3). This action was previously referred to the County for our September meeting for a Special Use Permit and a Site Plan Review. This proposed action requires referral to the County Planning Board based on the property's location within 500 feet of County Road 72 and within 500 feet of the boundary of a farm operation located in the Farmersville-Freedom Agricultural District.

The applicant is proposing a Telecommunications Tower facility that will consist of a 195' self-supported tower, an 11'-7" x 30' equipment shelter and other associated improvements. The applicant considered other nearby cell sites, none of which allowed the coverage needed or had available capacity. Since the facility is in the HC - Hamlet Commercial zone a use variance is required. Exhibit C of the application on Applicable Legal Standards that define cellular telephone companies as public utilities, as well as Exhibits B, E, and F that define the need for the project, as well as why the selected location is best, are used as justification for the project. This is an Unlisted Action on SEQR with a Full EAF completed. An Ag Data Statement was provided. A public hearing is to be held on Wednesday, December 14, 2011. Staff recommendation is that the proposed action has no significant county-wide or inter-municipal impact.

Mark Smith moved with a second from Paul Mager that the Town of Yorkshire Zoning Board of Appeals referred use variance for a wireless telecommunications tower at 3347 West Yorkshire Road has no significant county-wide or inter-municipal impact. Carried.

Town of Allegany – Revised Comprehensive Plan

Paul Bishop reported that the Town of Allegany has referred a draft Comprehensive Plan to replace the Town's Planning and Development Policies which were first adopted in 1987 and were last updated in 1997. Some of the proposed changes are:

- Protection of the primary aquifer by implementing a Wellhead Protection Plan.
- Striving to maintain the rural character of the Town by preserving forestland, wetlands, floodplains and productive farmland.
- Any expansion of water and sewer should be located adjacent to existing areas to minimize sprawl. One area they are currently considering for expansion is the western

Route 417 corridor to provide services for possible development in the area of Exit 24 off I-86.

- Create a Local Development Corporation (LDC) to study how best to expand high speed internet access throughout the Town.
- The Town supports the efforts to complete Route 219 as a freeway to its terminus at I86.
- At the suggestion of County Planning, the plan establishes a Complete Streets policy to enable safe access for all road users.
- In areas of dense development, developers are required to provide sidewalks.
- They will also work with local, County and other agencies to extend the Allegheny River Valley Trail and to provide a bicycle path/sidewalk along the Five Mile Road from the village to the Allegany-Limestone Central School.

This is a Type I Action under SEQR. A Full EAF has been completed. A public hearing has not been set. Staff recommendation is approval.

Ann Padlo moved with a second from Michael Zaprowski to approve the Town of Allegany's referred revised Comprehensive Plan. Carried.

Town of Perrysburg Planning Board – Special Use Permit – 11436 NYS Rt. 39

Paul Bishop reported that the Town of Perrysburg Planning Board has referred a Special Use Permit request for the installation of one (1) 3 foot diameter microwave antenna at a height of 174' ACL on the existing 185' wireless telecommunication tower at 11436 NYS Rt. 39 (Tax Map No. 8.004-1-36). This proposed action requires referral to the County Planning Board based on the property's location within 500 feet of NYS Route 39 and within 500 feet of the boundary of a farm operation located in the Northwest Agricultural District. A Telecommunication Facility is permitted in any zoning district in the Town of Perrysburg only if granted a Special Exception Permit by the Town Planning Board. A structural analysis report on the existing and proposed tower and antenna were completed in August of 2011. This is an Unlisted Action under SEQR with a Short EAF completed. An Ag Data Statement has been completed. A public hearing was held on November 28th. Staff recommendation is that the proposed action has no significant county-wide or inter-municipal impact.

Joseph Pillittere moved with a second from James Valent that the Town of Perrysburg Planning Board's referred Special Use Permit request for the installation of one (1) 3' diameter microwave antenna at a height of 174' ACL on the existing 185' wireless telecommunication tower at 11436 NYS Rt. 39 has no significant county-wide or inter-municipal impact. Carried.

Village of Ellicottville ZBA – Use Variance – 36 Adams Street/6921 Rt. 242

James Isaacson reported that the Village of Ellicottville ZBA has referred a use variance from HoliMont Ski Resort to extend the Greer Hill ski lift and slope. It would be extended 350 feet downhill from its present terminus to increase the deceleration zone for skiers. The slope will cross Plum Creek, which lies in a 100-year floodplain. The ski lift station will be relocated about 50 feet north of the creek. This request consists of a request to extend an existing non-conforming use (the existing ski slope) on the HoliMont property, and a use variance for a ski slope on the Adams Street parcel. This is an Unlisted Action under SEQR with no determination made. A public hearing is scheduled for 12/13/2011. Staff recommendation is that this project is a local issue, with no countywide or intercommunity impacts.

Ann Padlo moved with a second from Florence Fuller that the Village of Ellicottville ZBA's referred use variance for HoliMont Ski Resort to extend the Greer Hill ski lift and slope 350 feet downhill from its present terminus is a local issue, with no countywide or intercommunity impacts. Carried.

Environmental Reviews

Village of Ellicottville – HoliMont Greer Hill Ski Lift Extension

James Isaacson reported that the Village of Ellicottville Zoning Board of Appeals is seeking SEQR Lead Agency status for the HoliMont Greer Hill Ski Lift Extension Project. The County Planning Board is an Interested Agency because of the General Municipal Law Section 239 referral. An issue of concern is the small narrow flood plain along Plum Creek. Any adverse impacts to Plum Creek and its floodway should be avoided and any flooding hazards should be mitigated. Also, with the steep slopes, a soil erosion control plan should be put into place.

Staff recommendation is to have no objection to the Village of Ellicottville Zoning Board of Appeals serving as SEQR Lead Agency for the proposed project with two comments: 1) The lead agent should ensure that any adverse impacts to Plum Creek and its floodway are avoided and any flooding hazards are mitigated; and 2) Due to the steep slopes in the project area the applicant should prepare and implement a soil erosion control plan.

Richard Fuller moved with a second from Paul Mager that the County Planning Board has no objection to the Village of Ellicottville Zoning Board of Appeals serving as SEQR Lead Agency for the proposed project with two comments: 1) The lead agent should ensure that any adverse impacts to Plum Creek and its floodway are avoided and any flooding hazards are mitigated; and 2) Due to the steep slopes in the project area the applicant should prepare and implement a soil erosion control plan. Carried.

Intergovernmental Reviews

Paul Bishop reported that Intergovernmental Reviews numbered STW#11.032 and STW #11.033 have been received. Staff recommendation is received, reviewed, no comment. The Board concurred.

OLD BUSINESS – None

REPORTS / OTHER BUSINESS

Chairman's Report

Chairman Couture reported that the Ashford Chamber of Commerce had applied for a Cattaraugus County Bed Tax Grant, which they received. They used that money to set up a website. He stated that the County's Web Technician, Jeremy Knab was very helpful.

Appointment of Nomination Committee – Chairman Couture appointed Florence Fuller, Chair and Paul Mager member.

Department Reports

Regional Economic Development Council – Crystal Abers reported that she was in Albany today where she learned that the Western New York Regional Economic Development Council's five year plan received \$100.3 million and/or tax incentives for 96 projects. This region also won the Best Plan Award. It was a very eventful day!

Considerable discussion.

Planning Brochure – Paul Bishop distributed copies of the Draft Planning Brochure and asked for input from the Board members. It is envisioned that this brochure will be distributed to all the Towns, Villages and Cities to inform them of what we do and could do for them.

Crystal Abers stated that she will be visiting all the Towns, Villages and Cities Board meetings in 2012.

County Comprehensive Plan – James Isaacson reported that we are still moving ahead on updating the County's Comprehensive Plan. We did put out a Request for Proposal (RFP) with only two responses, both for more than what we have budgeted for at this time. We still can move forward by doing some of the work in house such as gathering data that is fundamental to a plan. James would like to form the County Planning Board into six sub committees. Each subcommittee would then work with a facilitator who is skilled and has the ability to solicit information from the public through workshops – specifically invited people as well as the public.

Joseph Pillittere stated that he believed that the Center for Creative Studies at Buffalo State College would be willing to facilitate for us. He will look into it.

James stated that the information gathered at these workshops would then be formulated into goals and objectives. He also wants to incorporate Smart Growth, land use issues, Complete Streets and the Regional Council's plan. He believes that the whole process will take at least 18 months to two years.

Olean OATS Bus – Paul Bishop reported that the Olean OATS bus has expanded into Portville and Salamanca. He created an updated map for the City.

STW Local Food ARC Grant – Paul Bishop reported that STW has received a \$50 – 60,000 dollar grant from ARC for Local Food promotion. He attended a Local Foods Roundtable and four goals were discussed: 1) Educate people of the benefits of eating locally grown foods; 2) market locally grown foods on a collaborative level to both consumers and wholesalers; 3) Explore the logistics of getting local food to markets (including schools, restaurants, and groceries); and 4) Form a collaborative effort of partners (CSA's farmers' markets, local food stands, etc.) to engage in a task force that benefits all involved.

STW Report – No meeting in November

Members Forum

Joe Pillittere stated that he had participated in a roundtable discussion in Buffalo concerning the NYSDOT's miscalculations for allocation formulas for infrastructure funding. This miscalculation resulted in a loss of federal funds to Cattaraugus County and Region 5 to the tune of \$167

million dollars. This is a short fall of \$35-40 million for Cattaraugus/Chautauqua to split. We need this mathematical error corrected.

Paul Mager stated that he retired from teaching on 11/11/11.

Ann Padlo stated that the Veteran's Day program in Olean was wonderful.

Crystal Abers reported that Business First's 2011 Book of Lists reports that the Cattaraugus County PTAC was ranked Number 1 among the Western New York Economic Development Agencies for having completed the most deals or contracts and number 9 in dollar amount for deals in Western New York.

Mrs. Abers also reported that the Amish GeoTrail has been more popular than the Enchanted Mountains GeoTrail. There are 12 caches along the trail. We have had many businesses calling that want to be placed on the trail.

Richard Fuller reported that Big Lots is now open in Yorkshire and in the Village of Delevan the old Save Rite space is being renovated for a doctor's office.

Mark Smith reported that Gernatt is looking to expand in Great Valley but has run into a problem with the availability of natural gas to run the facility.

CORRESPONDENCE

The following correspondence has been received and reviewed:

Town of Ellicottville – Site Plan Review for the replacement of Clubhouse Chalet with new base ski lodge – approved with condition – August 29, 2011.

Town of Yorkshire – Verizon Telecommunications Tower at 3347 West Yorkshire Road – Planning Board has referred project to the Zoning Board of Appeals for the applicant to obtain a use variance since the tower is in a Hamlet Commercial District. The Planning Board has recommended the issuance of the variance based upon its review of the project – October 20, 2011.

Village of Franklinville – Use Variance for the creation of ball fields at 109 South Main Street/Route 16 – approved – September 7, 2011.

ADJOURNMENT

Paul Mager moved with a second from Joseph Pillittere to adjourn the meeting at 8:37 pm. Carried.

APPROVED AS SUBMITTED JANUARY 26, 2012.