

Cattaraugus County Planning Board
Allegany State Park
Salamanca, NY
July 26, 2007
7:00 pm

PLANNING BOARD MEMBERS PRESENT: William E. Sprague, Chairman
Paul Mager, Vice Chairman
Ann Padlo, Secretary
Charles Couture, Assist. Sec.
Tina Abrams
Richard Fuller
Robert Keis
David McCoy
David Rivet
Michael Zaprowski

PLANNING BOARD MEMBERS ABSENT: Jack Berger
Kameron Brooks
Florence Fuller

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

GUESTS: Crystal Abers, Chairman, County Legislature
Joan A. Petzen, Chair Agricultural and Farmland Protection Board
Brian Hebdon, Microtel

Chairman Sprague called the meeting to order at 7:08 p.m. and welcomed everyone to the meeting.

APPROVAL OF MINUTES

Charles Couture moved with a second from Richard Fuller to approve the June 28, 2007 minutes as submitted. Carried.

NEW BUSINESS

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

City of Olean Planning Board – Site Plan Review – 302 Franklin Street

Paul Bishop reported that the City of Olean Planning Board referred a Site Plan Review to construct a third self-storage unit on site at 302 Franklin Street (Tax Map No. 94.040-1-2.2). The site plan received shows two additional units - per phone call with Mary George on July 25th, the applicant is now removing one of the new units. No additional curb cut is required. Adequate lighting and drainage provided (comparable to existing structures). A SEQR Short EAF was completed. A Public Hearing was held on July 23, 2007 at 7:00 p.m. (no action taken).

Staff recommendation is that the proposed action has no significant county-wide or inter-municipal impact in regard to existing county plans, programs, or activities. Therefore, approval or disapproval of this action is a matter of local option.

Paul Mager moved with a second from Charles Couture that the City of Olean Planning Board's referred Site Plan Review to construct a third self-storage unit on site at 302 Franklin Street has no significant countywide or inter-municipal impact in regard to existing county plans, programs, or activities. Therefore, approval or disapproval of this action is a matter of local option. Carried. Ann Padlo opposed.

City of Olean Planning Board – Special Use Permit – 1601 Johnson Street

Paul Bishop reported that the City of Olean Planning Board referred a Special Use Permit to install a billboard on an easement on a property just off Johnson Street (Tax Map No. 94.039-4-45). This property is the site of the former Van Der Horst plating operation - a Superfund site. The applicant has obtained approval from NYS DEC based on the fact that the sign construction location is outside of the landfill cap and appurtenances. The applicant is required by NYS DEC to properly handle and manage any contaminants found and to notify DEC if such a situation occurs. The proposal is for a Back-to-Back billboard structure, 60' high. This new billboard is over 500' from the next nearest billboard along I86 (NYS DOT requires a minimum of 500'). A SEQR Short EAF was completed. A Public Hearing was held on July 23, 2007 (no action taken).

Staff recommendation is the proposed action has no significant county-wide or inter-municipal impact in regard to existing county plans, programs, or activities. Therefore, approval or disapproval of this action is a matter of local option.

Michael Zaprowski moved with a second from Charles Couture that the City of Olean Planning Board's referred Special Use Permit for the construction of a bill board sign at 1601 Johnson Street has no significant countywide or Intermunicipal impact in regard to existing county plans, programs, or actives. Therefore, approval or disapproval of this action is a matter of local option. Carried.

City of Salamanca Planning Commission – Site Plan Review – 888 Broad Street

Chris Crawford reported that the City of Salamanca Planning Commission referred a site plan review for a proposed Microtel Hotel based on its proximity to a state right of way, Route 353 at 888 Broad Street (Tax Map No. 72.076-1-23). Note that proposed project is

also within 500 ft of the Allegheny River. His review consisted of an examination of applicant submitted plans and drawings, minutes from City Planning Board meeting from 7/12/07, City of Salamanca Zoning Ordinance and Comprehensive Plan, internet research on parking lot lighting and emergency vehicle access standards and drainage infrastructure and GIS data layers.

Chris' findings were: There is a relatively small increase in traffic expected. No drainage calculations were provided in accordance with § 8.1.5.2.s and §9.8.2 of City Zoning Ordinance. The parking lot illumination plan seems adequate. This is a SEQR Type I action, requiring an environmental review. A Public Hearing has not been scheduled.

Staff recommendation is the proposed project has no significant countywide or intercommunity impact. However given the findings above the following advisories are recommended: 1) That the City of Salamanca Planning Board require calculations indicating the adequacy of the proposed drainage infrastructure for a design storm of 100 years or other magnitude that the Planning Board deems appropriate and that such calculations be certified by a professional engineer. 2) That the City of Salamanca Planning Board in accordance with §9.8.2.2 of the City Zoning Ordinance require a sediment and erosion control plan with specific Best Management Practices developed by a professional engineer for the construction stage of the project, and 3) That the City of Salamanca Planning Board recommend to / require of the hotel owners use of a visual surveillance system for security purposes, especially given the proximity of the Casino.

Ann Padlo moved with a second from Richard Fuller that the City of Salamanca Planning Commission's referred Site Plan Review for the proposed constriction of a Microtel at 888 Broad Street will have no significant countywide or intercommunity impact. However, the Planning Board would also make the following advisories: 1) That the City of Salamanca Planning Board require calculations indicating the adequacy of the proposed drainage infrastructure for a design storm of 100 years or other magnitude that the Planning Board deems appropriate and that such calculations be certified by a professional engineer. 2) That the City of Salamanca Planning Board in accordance with §9.8.2.2 of the City Zoning Ordinance require a sediment and erosion control plan with specific Best Management Practices developed by a professional engineer for the construction stage of the project, and 3) That the City of Salamanca Planning Board recommend to / require of the hotel owners use of a visual surveillance system for security purposes, especially given the proximity of the Casino.

Tina Abrams asked if there had been any indication about the traffic count?

Chris Crawford stated 50 visitor trips a day are anticipated in and out of the parking lot.

Brian Hebdon, owner, stated that they plan to use the existing driveway. They will be building 58 units versus the existing 17 units. They do plan to have security cameras on the interior and exterior. He believes that this is a good project and will be good for the area. It will provide good steady jobs.

Motion carried with Michael Zaprowski abstaining.

Town of Randolph ZBA – Special Use Permit – 12400 W. Main Street

Chris Crawford reported that the Town of Randolph Zoning Board of Appeals referred a Special Use Permit for the placement of a sign at 12400 W. Main Street (Tax Map No.: 69.004-1-27). His review consisted of examination of the documents submitted by Town of Randolph ZBA, notes taken at the public hearing, town zoning ordinance, and GIS data layers of the area. His findings were: The parcel is currently split between the R-1 and A-F zones. The sign itself will be placed in the R-1 zone. This is an Unlisted action under SEQR. An Ag Data Statement was provided.

Staff recommendation is that the proposed project has no significant countywide or intercommunity impact.

Charles Couture moved with a second from Paul Mager that the Town of Randolph Zoning Board of Appeals' referred Special Use Permit for the placement of a sign at 12400 W. Main Street has no significant countywide or intercommunity impact. Carried.

Town of Franklinville ZBA – Area Variance – 3079 Route 98

James Isaacson reported that the Town of Franklinville Zoning Board of Appeals referred an Area Variance for the installation of a 24' diameter above-ground pool within 5 feet of the rear property line at 3079 Rt. 98 – Hamlet of Cadiz (Tax Map No. 49.005-1-34). The required set back is 25 feet. There are two trees located in the yard, which prevent the pool from being installed to meet the required rear setback. Adjacent property to the rear is a cornfield (not in Ag District). This is an Unlisted Action under SEQR. No determination has been made. A Public Hearing was held on July 10, 2007.

Staff recommendation is local issue, no countywide or intercommunity impacts.

Robert Keis moved with a second from Richard Fuller that the Town of Franklinville Zoning Board of Appeals referred Area Variance for the installation of a 24' diameter above-ground pool within 5 feet of the rear property line at 3079 Rt. 98 – Hamlet of Cadiz is a local issue with no countywide or intercommunity impacts. Carried.

Town of Franklinville ZBA – Special Use Permit – 6898 Route 16

James Isaacson reported that the Town of Franklinville Zoning Board of Appeals referred a Special Use Permit for removal of topsoil from a farm located at 6898 Route 16 (Tax Map No. 49.003-1-3.1). The soil is being removed from overburden piles from a borrow pit that is being created on the farm. A total of 4800-7300 cu. yd. of soil will be stockpiled on site and eventually removed. The applicant does not want to stockpile all of it at once; he proposes to remove it as it is being generated to keep the piles to a minimum. NYSDEC allows only 750 cu. yd. of soil to be removed per year. The applicant intends to comply with this requirement and remove less than 750 cu. yd. of soil per year. The location is set back quite a distance from the road (~ 200 feet off road). This is an Unlisted Action under SEQR. No determination has been made. An Ag Data Statement was submitted. A Public Hearing was held on July 10, 2007.

Staff recommendation is local issue, no countywide or intercommunity impacts.

Discussion.

David Rivet moved with a second from Tina Abrams that the Town of Franklinville Zoning Board of Appeals referred Special Use Permit for removal of topsoil from a farm located at 6898 Route 16 is a local issue, no countywide or intercommunity impacts. Carried.

Town of Franklinville ZBA – Special Use Permit – 3972 Wenrick Road

James Isaacson reported that the Town of Franklinville Zoning Board of Appeals referred a Special Use Permit to establish a home retail business at 3972 Wenrick Road. Upon review of the referral, he could not find any reason for its being referred to the County Planning Board. He called the Town of Franklinville Code Enforcement Officer and he agreed and withdrew said referral.

Town of Yorkshire Planning Board – Special Use Permit – Rt. 16/McKinstry Road

James Isaacson reported that the Town of Yorkshire Planning Board referred a Special Use Permit to conduct a gravel mining operation on Route 16 and McKinstry Road (Tax Map No. 12.002-1-33.4).

James noted that this referral was before this Board last month, but because Richard Fuller and William Sprague abstained from the discussion due to their capacities as Yorkshire Town Supervisor and member of the Yorkshire Town Planning Board respectively, there was no quorum of the County Planning Board present for action on this item. Mr. Fuller and Mr. Sprague have abstained from the discussion again this month for the same reasons. However, there is still a quorum of the Board present.

James stated that this referral had been before this Board about a year ago for a variance. The Town denied the variance. It went to Court and the Town's denial was overturned. It is now back for a Special Use Permit.

James reported that the project involves 95 acres of excavation, 26 acres of material processing (crushing, screening, washing), and 4 acres of roads. The land is located in the Farmersville-Freedom Agricultural District and an Ag Data Statement has been submitted. The entrance road crosses a floodplain associated with a stream. There are minor unnamed wetlands scattered throughout the site. The reclaimed land will be used for meadows, wetlands, and a small 4-5 acre lake. NYSDEC conducted the SEQR review as lead agency (the project is a Type 1 Action under SEQR), made a positive declaration, prepared the final EIS, and made a finding that environmental impacts have been minimized or avoided to the maximum extent practicable. Impacts considered include: traffic, noise, wetland impacts, surface water, public water supply and agricultural land.

Staff recommendation is approval.

Charles Couture moved with a second from David Rivet that Town of Yorkshire Planning Board referred Special Use Permit to conduct a gravel mining operation on Route 16 and McKinstry Road is approved. Carried. Richard Fuller and William Sprague abstained.

Environmental Reviews – none**Intergovernmental Reviews**

Paul Bishop reported that Intergovernmental Reviews numbered STW#07.024 and #07.025 were received, reviewed, no comment. The Board concurred.

OLD BUSINESS – none**REPORTS / OTHER BUSINESS****Chairman's Report**

Reappointed Members – Chairman Sprague reported and congratulated members Robert C. Keis, Richard Fuller, Florence Fuller and Michael Zaprowski on their reappointment to the County Planning Board for another three-year term by Crystal J. Abers, Chairman of the Cattaraugus County Legislature.

Monies for Sewer and Water Districts - Chairman Sprague reported that Governor Spitzer has approved monies for sewer and water districts for towns. Senator Schumer is behind this as well.

August 30th Meeting – Chairman Sprague asked the Board what would be their pleasure concerning an August meeting.

Upon brief discussion, Charles Couture moved with a second from David Rivet to cancel the August meeting. Carried.

Three Year Plan and Budget Committee Report

Paul Mager reported that the Three Year Plan and Budget Committee met before this meeting. Staff had been working on the basic form of the Plan, reorganizing it to stay more in line with the budget process. Minimum changes were made overall. We will approve the Plan at the September meeting.

Robert Keis asked if we should include items on Route 219 besides the roads such as the extension from Ashford to I86?

Tina Abrams stated that the State needs to negotiate with the Nation.

David Rivet stated that State needs money for the extension.

Chris Crawford stated that the Three Year Plan lists services that we provide. What you are discussing is advocacy.

David Rivet stated that advocacy should come from the County Legislature and the Route 219 Committee.

Discussion.

Thomas Livak stated that the newly formed Route 219 Association will be meeting tomorrow morning at Holiday Valley.

Director's Report

Tom Livak reported that the first “economic development incentive” out of the Casino funds was approved this week for Pioneer Credit in Ashford. The Legislature authorized up to \$99,762 in funding for Frontier Telephone to run fiber lines to support communication lines (both data and phone) to the Ashford Office Complex. This expenditure will ensure the retention of 76 jobs for the next two years.

Staff Reports

Local Update of Census Addresses – Chris Crawford reported that he has been working on a master list of addresses for the County and comparing it to the master Census file. He has gotten address lists from the Board of Elections, Department of Motor Vehicles, and Real Property Services. It is a long process but it will assure that we get an accurate count in 2010. A side benefit of this project will be the standardizing of addresses to the parcel viewer.

Chris stated that there is a big push to get an accurate count because we stand to lose two representatives.

Destination Development – Onoville – Paul Bishop reported that Roger Brooks of Destination Development spent several days visiting Onoville and the surrounding area. Mr. Brooks then prepared a presentation on his impression and suggested ways to increase tourism into the area.

Crystal Abers stated that it was very dynamic. She has had meetings with Jeff Davis of the Marina and David Rivet on the presentation. They are considering several activities and improvements based on Mr. Brooks presentation.

David Rivet stated that one of the suggestions was to rename the area Onoville “Park” and Marina. We need to market an “experience” instead of just a location.

The question was asked how did the local businesses receive the presentation.

Crystal Abers stated that overall they received it well.

Thomas Livak stated that there will be two more presentations by Roger Brooks – one on September 25th in Gowanda and one on September 26th in Randolph.

Discussion concerning water level in the Reservoir and the possibility of the County and the Nation meeting with Senator Schumer concerning it.

Workshop for Farmers and Forest Owners in the Route 219 Corridor – Joan Petzen reported that a workshop was held on July 23rd at the West Valley Fire Hall for invited farmers and forest owners in the Route 219 Corridor. The workshop was designed to help landowners get comfortable with issues that they needed to address before signing documents for acquisition of their property by NYSDOT. She stated that Chris Crawford had done a good job on showing the landowners how to use the County's parcel viewer.

STW Report

Robert Keis reported that at the last meeting of the STW Board, they prioritized the ARC projects. The quality of Cattaraugus County's projects was much better. STW had changed the procedure for submitting applications. They used a short initial application and once the decision was made that the project may be a good one to submit, the STW staff helped to complete the long application.

Member's Forum

Delevan – Richard Fuller reported that, through a grant, a new clock has been installed in Dubai Park in Delevan. It has chimes and will be able to play songs for the holidays.

West Valley – Charles Couture reported that West Valley Nuclear Services Company is offering its employees the opportunity to voluntarily leave the company and receive full separation benefits. They want to reduce the number of employees by 40 to 50 people by August 31st.

CORRESPONDENCE

The following correspondence was received:

Town of Randolph ZBA – Special Use Permit – Corner of Fox and Pine Hill Roads – Music Festival Venue – postponed action until a joint meeting is held ASAP with the County Planner, Town ZBA, Town Planning Board, Town Board and Code Enforcement Officer in regards to procedural and substantive issues associated with county referral process and services provided by County Planning staff to aide municipalities.

Town of Ellicottville Council – Amendment to the Zoning Ordinance provisions relating to height of buildings and structures – adopted June 20, 2007.

ADJOURNMENT

Chairman Sprague thanked everyone for coming to Allegany State Park. He encouraged everyone to spread the word about Allegany State Park and Onoville – two of the County's greatest assets.

Paul Mager moved with a second from Richard Fuller to adjourn the meeting. Carried.

APPROVED AS SUBMITTED SEPTEMBER 27, 2007.

