

Cattaraugus County Planning Board
County Center, Little Valley, NY
September 27, 2007
7:00 pm

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

PLANNING BOARD MEMBERS ABSENT: Tina Abrams
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. Puszczyk, Stenographic Secretary

GUESTS: Carol Horowitz, Planner Towns of Allegany and Ellicottville
Joan A. Petzen, Chair Agricultural and Farmland Protection Board
Chris Chapman, Salamanca Press

Chairman Sprague called the meeting to order at 7:01 p.m. and welcomed everyone to the meeting.

APPROVAL OF MINUTES

Charles Couture moved with a second from Richard Fuller to approve the July 26, 2007 minutes as submitted. Carried.

NEW BUSINESS

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

Town of Ellicottville – Special Use Permit/Site Plan Review Laidlaw Energy

Chris Crawford reported that the Town of Ellicottville Planning Board has referred a Site Plan Review for a biomass fueled cogeneration plant and lumber kiln drying business and a Special Use Permit for those elements of the proposed project associated with a Lumber Kiln Drying Business located at 6662 Route 219 North (Tax Map Nos. 46.004-1-42, 46.004-1-43.1, 46.004-1-43.7, and 46.004-1-43.4). The project was referred in accordance with NYS General Municipal Law §239-m (b)(iii), which requires referral of a site plan review or special use permit that is requested within 500 feet of “the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway”. Although this project was initially referred based on its proximity to US Rt. 219, thus not requiring review, it is within 500 ft. of NYS Route 242, which requires review.

Mr. Crawford’s review consisted of an examination of the Town of Ellicottville Planning Board documents (Notice of Public Hearing, Final Environmental Impact Statement, comments and responses to DEIS), applicant submitted documents (Draft Environmental Impact Statement, Application for Conditional Use Approval), past correspondence by County Planning Board (comments on “Draft Scoping Document Laidlaw Energy Group Inc. Project” written by David Paoletta and dated 5/3/2005 and comments on “Draft Environmental Impact Statement (DEIS) Laidlaw Energy & Environmental, Inc. Power Plant dated 10/13/2005, minutes from County Planning Board meetings dated 12/9/2004 and 4/28/2005, relevant sections of NYS General Municipal Law (namely §239-d, §239-l, §239-m), relevant sections of NYS Town Law (namely §274-a, §274-b, §267-b), Town of Ellicottville Municipal Zoning Ordinance (namely §6 and §7), NYS Department of State guidance documents (“Zoning Board of Appeals,” “Site Plan Development Review”), decisions and documents from other NYS county planning boards with regard to scope determination, conversations with Carol Horowitz, Town Planner and Kathleen Martens, NYS Dept. of State Municipal Support Attorney, County Attorney Dennis Tobolski, Town Special Counsel, Dan Spitzer, Economic Development, Planning & Tourism Director Tom Livak, fellow planners Paul Bishop and James Isaacson and GIS data layers.

Mr. Crawford’s **findings** were: Given the complexity of the issues presented with this project the first question is: What is the scope of review requested by the Town in light of §239-l and §239-m and the information provided by the Town of Ellicottville and other information reviewed?

- The Town requests site plan review of entire project and special use permit review of the lumber kiln drying business only. According to the FEIS, the ZBA has determined that those aspects of the project associated with the use of the property for biomass fueled cogeneration plant will require the following variances:
 - 1) Use Variances – Cogeneration facility, conveyor belt, cooling tower, exhaust stack; and noise and smoke to allow co-generation facility to exceed performance standards in §3-8(c)(1) of town ordinance.
 - 2) Area Variance – Height of exhaust stack.

- §6 of Town Zoning ordinance describes the purpose, process, standards for review and other information regarding the Town's Special Use Permit Review process. §7 of the same ordinance describes the same for the Site Plan Review.
- As mentioned in recent County Planning Board meetings, the intent of the NYS Legislature in passing §239-l and §239-m was to "... bring pertinent intercommunity and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include intercommunity and countywide considerations in respect to the following;
 - (a) Compatibility of various land uses with one another;
 - (b) Traffic generating characteristics of various land uses in relation to the effect such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities;
 - (c) Impact of proposed land uses on existing and proposed county or state institutional or other uses;
 - (d) Protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas;
 - (e) Drainage;
 - (f) Community facilities;
 - (g) Official municipal and county development policies, as may be expressed through comprehensive plans, capital programs or regulatory measures; and
 - (h) Such other matters as may relate to the public convenience, to governmental efficiency, and to the achieving and maintaining of a satisfactory community environment."

However §239-m (4)(a) does provide the County Planning Board with the latitude to "... review any proposed action for intercommunity or countywide considerations including but not limited to those considerations identified in section two-thirty-nine-l of this article."

Further information regarding the intent of the legislature may be found by looking at §239-m (3)(b) which lists the types of real property that are referred to the county planning board, namely those parcels that are within 500 feet of

- (i) The boundary of any city, village or town; or
- (ii) The boundary of any existing or proposed county or state park or any other recreation area; or
- (iii) The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or
- (iv) The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or
- (v) The existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or
- (vi) The boundary of a farm operation located in an agricultural district, as defined by article 25-AA of the agriculture and markets law, except this subparagraph shall not apply to the granting of area variances.

- “Zoning laws ... do not contain specifications regulating the details of a site's development that protect, like the design of vehicular access to the site, the provision of needed landscape features, the location of parking areas, and the architectural features of buildings. Site plan specifications may go beyond the particular parcel and protect adjacent areas and the community's residents from flooding and erosion, traffic congestion and accidents, unsightly design, noise pollution, and the erosion of neighborhood character” (from New York Municipal Insurance Reciprocal Land Use Training Program for Local Officials, Tutorial IV – Site Plan Approvals and Conditions, New York Municipal Insurance Reciprocal Land Use Law Center - Pace University School of Law, New York Planning Federation, found online at <http://www.nymir.org/zoning/siteplan/Tut4.html>)

By its very nature, a site plan review concerns the parcels in question and their immediate surroundings. Questions of appropriate use within a larger context are generally considered through “Special Use Permit”, “Use Variance” or “Zoning Amendment” processes. In performing a site plan review it is important to have an up to date site plan, elevations and a lighting plan. The site plan referred to in the referral documents was Figure 9 from the DEIS. The FEIS lists on page 2 and 3 those changes made to this site plan. No final site plan was provided. Neither were elevations or lighting plans. Additionally, no evidence was provided that the proposed biomass fueled co-generation facility use aspects of the site were a legal use or that such aspects were being considered as a legal use through a use variance process submitted to the town's ZBA.

Mr. Crawford's **determinations**: Given the above, staff recommends that the scope of review for determining whether the request for the “Special Use Permit” be any inter-municipal or countywide impacts associated with granting the Special Use Permit given that it is within 500 ft. of NYS Rt. 242.

Also given the above, staff cannot determine the scope of review for determining whether the request for “Site Plan Review” is a local determination.

Staff recommendation is with regards to the Special Use Permit application for the lumber kiln drying, the proposed project has no significant countywide or intercommunity impact.

With regards to the Site Plan Review of the proposed project, both the biomass-fueled co-generation facility and lumber kiln drying business, staff recommends the review be tabled until such a time when the Town of Ellicottville provides the following;

- final completed site plan;
- elevation drawings;
- lighting plan;
- evidence that the proposed use is a legal use or that the project developer has applied for the necessary use variance (s) to make it a legal use.

David McCoy asked, “Hasn't this always been a co-generation plant and they're just changing the fuel?”

Chris replied no, a Special Use Permit was granted in 1990, however the Town's Zoning Ordinance changed and it became a non-conforming use. The Town's ZBA determined this year that sometime in either 2003 or 2003 the use stopped so now they need to apply again because the use was discontinued and the zoning ordinance changed.

Richard Fuller moved with a second from Charles Couture to table the referred Town of Ellicottville Planning Board's Site Plan Review of the proposed project, both the bio-mass-fueled co-generation facility and lumber kiln drying business at 6662 Route 219 North, until such a time when the Town of Ellicottville provides the following: final completed site plan; elevation drawings; lighting plan; evidence that the proposed use is a legal use or that the project developer has applied for the necessary use variance (s) to make it a legal use. Carried.

Chairman Sprague stated that he has two concerns: 1) steam will be a problem because the valley already has a fog problem and the steam will just add to it; and 2) in the wintertime, the steam dropping down on Route 242 there will be an icing problem. Because of the amount of tourism and number of people traveling on Route 242 this could be a serious situation.

Chris stated that he didn't see anything in the EIS concerning the steam problem.

Upon further discussion, Michael Zaprowski moved with a second from Paul Mager that the referred Town of Ellicottville Planning Board's Special Use Permit for lumber kiln drying business at 6662 Route 219 North has no significant countywide or inter-community impact. Carried.

Town of Ellicottville – Area Variance – 5193 Rt. 242 East – Pole Barn

James Isaacson reported that the Town of Ellicottville Zoning Board of Appeals has referred an area variance request to construct a new pole barn on a residential lot that would be about 50 feet from the front property line, where a 100 foot setback is required at 5193 Route 242 East (Tax Map No. 38.004-1-22.3). There is a drop off just beyond the house that leads to a pond in the back yard. Due to this topography, it is not possible to set the barn back to meet the required setback. The barn will be far enough off the state road so as not to interfere with visibility for drivers. This is a Type 2 action under SEQR with no determination made to date. Staff recommendation is that this is a local issue with no countywide or inter-municipal impacts.

David Rivet moved with a second from Charles Couture that the Town of Ellicottville Zoning Board of Appeals referred area variance to allow construction of a new pole barn to within 50 ft. of the front property line at 5193 Route 242 East is a local issue with no countywide or Intermunicipal impacts. Carried.

Town of Allegany – Area Variance – 2471 Five Mile Road – Shed

James Isaacson reported that the Town of Allegany Zoning Board of Appeals has referred an area variance request for the building of a shed within 3 to 5 feet of the

property line at 2471 Five Mile Road (Tax Map No. 93.002-2-9). The applicant is proposing to construct a 16' x 20' barn style shed in their back yard within 3-5 feet from the property line. The set back requirement is 15 feet. The property is within 500 feet of County Road 19 and a stream at the rear of the property. This will have no impacts on the highway or the stream. The back portion of the lot is in a floodplain, however the locations of the structure is not. This is a Type 2 action with no determination made to date. A public hearing was held on October 1, 2007. Staff recommendation is local issue, no countywide or intercommunity impacts.

Paul Mager moved with a second from Jack Berger that the Town of Allegany Zoning Board of Appeals referred area variance for the building of a shed to within 3-5 feet of the property line at 2471 Five Mile Road is a local issue with no countywide or intercommunity impacts. Carried.

City of Salamanca – Zoning Map and Text Amendment – 45 South Avenue

James Isaacson reported that the City of Salamanca has referred a Zoning Map and Text Amendment to change the use district of 45 South Avenue (Tax Map No. 82.023-1-23.1) from R-1 Single Family Residential to I-2 Restricted Industrial. The parcel is owned by the Salamanca IDA and has already received subdivision approval to split it into 3 lots. One lot will go to the Cattaraugus Rehabilitation Center (next door), one lot will go to J & J Construction to build a business office and construction company warehouse, and one small parcel is to be conveyed to another entity. The rezoning is requested to allow the proposed uses on these lots. Cattaraugus Rehabilitation Center is already zoned I-2, and the construction company warehouse would need I-2 zoning to be permitted there. A public hearing was held on September 26, 2007 with no public comments. This is a Type 1 action under SEQR with no determination made to date. Once the rezoning is completed, there will be site plan review for the proposed uses, because of its location to the residential area and next to I-86. Staff recommendation is local issue, no countywide or intercommunity impacts.

David McCoy moved with a second from Ann Padlo that the City of Salamanca's referred Zoning Map and Text Amendment to change the use district of 45 South Avenue from R-1 Single Family Residential to I-2 Restricted Industrial is a local issue with no countywide or intercommunity impacts. Carried. Michael Zaprowski abstained.

Village of Little Valley – Special Use Permit – 441 Rock City Street

James Isaacson reported that the Village of Little Valley Zoning Board of Appeals has referred a Special Use Permit to house 2 horses at 441 Rock City Street (Tax Map No. 54.080-1-20). The property is 3 acres in size and is very long and narrow (only 130 feet wide). They will install a barbed wire fence to corral the horses on the property. Manure may affect some drainage channels that flow through the lot if not handled properly. May also become an issue with neighbors on such a narrow lot. This is an unlisted action under SEQR with no determination made to date. Staff recommendation is approval with the advisory that the Village should address proper handling and disposal of manure.

Kameron Brooks moved with a second from Michael Zaprowski that the referral Special Use Permit request to house 2 horses at 441 Rock City Street be approved with an advisory that the Village should address proper handling and disposal of manure. Carried. Richard Fuller opposed.

Town of Ellicottville – Wind Energy Regulations

Paul Bishop reported that the Town of Ellicottville had referred their proposed Wind Energy Regulations for review in August. Because we did not have a meeting in August 30 days have lapsed. According to General Municipal Law Section 239-m. 4. (b), which states that if a County Planning Board does not respond to a submitted zoning referral within 30 days, the municipality may legally proceed without a response from the County Planning Board. The Town of Ellicottville is the fourth community to adopt regulations for Wind Energy facilities. Chris Crawford did make some comments on the proposed regulations.

Town of Freedom – Wind Energy Facilities

Paul Bishop reported that the Town of Freedom had referred their proposed Wind Energy Regulations for review in August. Because we did not have a meeting in August 30 days have lapsed. According to General Municipal Law Section 239-m. 4. (b), which states that if a County Planning Board does not respond to a submitted zoning referral within 30 days, the municipality may legally proceed without a response from the County Planning Board, which they did on September 17, 2007. The Town of Freedom is the fifth community to adopt regulations for Wind Energy facilities.

City of Salamanca – Zoning Text Amendment – Health Club / Fitness Centers

Paul Bishop reported that the City of Salamanca had referred a zoning text amendment to allow Health Club/Fitness Centers in various zoning districts as a special permitted use in August. Because we did not have a meeting in August 30 days have lapsed. According to General Municipal Law Section 239-m. 4. (b), which states that if a County Planning Board does not respond to a submitted zoning referral within 30 days, the municipality may legally proceed without a response from the County Planning Board.

Environmental Reviews

Town of Allegany – Supplemental EIS – University Commons

Paul Bishop reported that the Town of Allegany has submitted a Supplemental Environmental Impact Statement for the University Commons project, which is for a mixed-use retail/restaurant/office complex. The proposed shopping plaza remains essentially the same, but the site plan has been significantly modified to accommodate a proposed big box hardware store. By next month, we should have the site plan review and variances. Staff recommends no comments on the SEIS at this time.

Carol Horowitz stated that when the project was first started, they didn't have any tenants. The site plan delineated three areas of development within the project area.

Now they have landed an unnamed home improvement store as a tenant. They had to change the site plan to accommodate a big box type store. This type of store will reduce the traffic impact. A public hearing is set for next Monday.

Intergovernmental Reviews

Paul Bishop reported that Intergovernmental Reviews numbered STW#07.026 and 07.027 have been received. Staff recommendation is received, reviewed, no comment. The Board concurred.

OLD BUSINESS

Approval of Three Year Plan Priorities for 2008-2010 and 7/26/07 Committee Minutes

Paul Mager stated that the Three Year Plan and Budget Committee met on July 26, 2007 before the regular Planning Board meeting at the Allegany State Park and that he had reviewed what had been discussed and proposed at the Planning Board meeting that evening.

David Rivet moved with a second from Charles Couture to approve the Three Year Plan Priorities for 2008 to 2010 and the minutes of the July 26, 2007 Committee meeting as submitted. Carried.

REPORTS / OTHER BUSINESS

Chairman's Report

Location of October Meeting – Paul Bishop stated that in June the Board had expressed an interest in having a couple of meetings outside the County Building. In July we had met at the Allegany State Park. Other suggestions at that time had been Onoville, Olean Airport, Gowanda and Sprague's.

The Board stated that Sprague's was a great location for dinner but not for a meeting – its too noisy.

Chris Crawford stated that he has been working with Jack Torrance, Chairman of the Village of Gowanda Planning Board. They are doing a fantastic job. Perhaps we could have them give us a tour/presentation on Academy Place and Hollywood Theatre.

Upon discussion, Richard Fuller moved with a second from David Rivet to hold the October meeting of the County Planning Board in Gowanda. Carried.

Director's Report

Thomas Livak reported that once agreements were signed, Frontier Telephone started work on the new lines for the Ashford Office building, specifically for Pioneer Credit.

Staff Reports**Agricultural and Farmland Protection Plan**

Paul Bishop reported that NYS Agriculture and Markets Commissioner Hooker signed-off on our County's Agricultural and Farmland Protection Plan in late August. He also reported that the Ag Board has started to look at a possible Purchase of Development Rights project as well as prioritizing projects for implementation. Municipal level Agricultural and Farmland Protection Plan grants are now available to Towns.

Chairman Sprague asked if we can help the Towns in this process?

Paul Bishop replied that we can give them background information such as maps, data, etc.

Discussion.

Destination Development – Gowanda and Randolph – Thomas Livak reported that Roger Brooks, Destination Development, presented his assessment “through the eyes of a visitor” for Gowanda, South Dayton, Randolph and the Corridor between them. He gave us ideas on signage and beautification. Any community could have gained insight from his presentations.

Michael Zaprowski stated that he had attended the Randolph presentation and felt that many of the suggestions weren't costly and were common sense ideas.

Chairman Sprague stated that he attended the Gowanda meeting. He picked up at least 10 points for his own business. Any member of Town and Village Boards or business who didn't attend, missed out.

Chairman Sprague stated that he believes that these “assessments” were made possible through the Casino funds.

Thomas Livak stated that we will have all of his reports soon and they will be on the web site.

Richard Fuller stated that the Professor from UB and his students met with him. The Town of Yorkshire and specifically the Village of Delevan has Kendor Music, which sells music all over the world. Perhaps we could get music notes on the cross walks in Delevan like the snowflakes in Ellicottville.

Chris Crawford stated that Sam Cole, Professor at University of Buffalo and his students are looking at the Route 16 Corridor this semester and they did attend one of the Roger Brooks sessions.

Route 417 Access Management – Paul Bishop reported that the Route 417 Access Management Plan, which looked at a two-mile section of Route 417 in the Towns of Allegany and Olean and the City of Olean, is done. The study recommends some geometric solutions such as realignment of lanes, since there is little chance of widening

of streets and retrofitting existing access such as driveway re-design (shared) and closure. It also recommends a highway corridor overlay district, promoting a village type streetscape along Route 417 and the creation of a Business Improvement District or a Special Assessment District.

Discussion.

STW Report

Robert Keis reported that the next session of STW's Asset Management Training Series, "**Capital Planning**", will be held on October 17th from 6 to 10 pm at the Center for Regional Excellence. On October 25th, STW will hold its second "**Regional Wind Conference**". The morning half of the conference will be an education forum, with a bus tour of the Wind Park in the Town of Eagle in the afternoon. STW's "**Broadband Development Initiative**" is starting a Wireless Project in the Town of Birdsall, Allegany County, who currently has no high-speed connection to the Internet; a fiber-mapping project is being discussed in Chautauqua County to determine what areas have fiber installed and what areas are in need. STW is also working with ION Corporation to complete a 125-mile section of a western New York fiber loop that has redundancy and three-four presence points for businesses in the southern tier region to help reduce broadband costs. STW is currently working with the counties on a **Transportation Project** to determine our community's priorities for transportation improvements in our region. STW received \$220,000 from the State to execute a strategic plan that will become a part of the State's master transportation plan.

Members' Forum

Cattaraugus Local Development Corporation – Kameron Brooks reported that the CLDC has had a successful year. The CLDC and the equine community are getting along well and they are helping with maintenance of the trail. The CLDC has also used the Welfare Worker program as well. The 5th Annual gathering at the Zaepfel Nature Center will be held on Sunday.

West Valley Demonstration Project – Charles Couture stated that the last of the Low Level waste drums have been moved to Savannah River Storage Facility.

Village of Cattaraugus – David Rivet, Mayor of the Village of Cattaraugus, reported that they had received a \$212,960 NYS Emergency Management Hazard Mitigation Grant and a \$50,000 grant from Senator Young, to move a waterline on the town hillside along Route 353 from the downhill to the uphill side. This work has been executed. The project also included installation of new sidewalks. The village is also doing a brownfields remediation project on the former Bush Brothers site with a \$380,000 NYSDEC Environmental Restoration Program grant; a \$5,000 grant from Assemblyman Giglio, and a \$50,000 Restore NY Grant for the demolition of buildings which was done earlier this year. They are currently soliciting bids for soils remediation for the Bush lot. The village is also constructing a new DPW facility on the old Ashland Oil Refining Distribution Site.

County Bicentennial – Ann Padlo reported that Cattaraugus County will be celebrating its 200th Anniversary in 2008. She asked if the Planning Board would be interested in

sponsoring an event of some kind or perhaps be in the parade? The Planning Board members said they would think about Ann's suggestions.

City of Salamanca Planning Commission – Michael Zaprowski reported that Chris Crawford had given a wonderful presentation to the City's Planning Commission on Wind Facilities. He thanked Chris for his presentation.

Mr. Zaprowski also advised the Board that the City has received a site plan review from Mr. Watt for converting the commercial building at Center and Broad Street into a hotel.

CORRESPONDENCE

The following correspondence was received and reviewed:

Town of Carrollton – Local Law No. 1 of 2007 – Wind Energy Facilities – Adopted August 8, 2007.

Town of Ellicottville – Final Scoping Document for Songbird Subdivision – approved August 27, 2007.

City of Olean – East Olean Sewer Project – Notice of Findings and Explanation – Floodplains and Wetlands Management Review.

City of Salamanca – SEQR Notice of Determination of Non-Significance: Microtel Inn & Suites – 888 Broad Street.

Town of Sardinia – Notice of Public Hearing – Proposed Local Law #2 of 2007 – Unsafe Buildings.

Town of Franklinville – Area Variance – Above Ground Swimming Pool – 3079 Route 98 S. – approved.

Town of Randolph – Special Use Permit – Sign – 12400 West Main Street – approved.

City of Salamanca – Site Plan – Microtel Inn & Suites – 888 Broad Street – approved with conditions.

City of Olean – Special Use Permit – Billboard – 1601 Johnson Street – approved.

City of Olean – Site Plan Review – Self Storage – 302 Franklin Street – approved.

Village of Ellicottville – Zoning Text Amendment – Upper Floor Dwellings by Special Use Permit in Village Commercial-I District – approved.

Town of Ellicottville – Adoption of Zoning Ordinance amendments relating to Signage.

Town of Allegany – Adoption of Zoning Ordinance amendments relating to Wind Energy Conversion Systems.

Town of Yorkshire – Special Use Permit to conduct a gravel mining operation – denied in accordance with Section 3.2.1 of the zoning law.

ADJOURNMENT IN MEMORY OF CURTIS H. BAUER

Jack Berger motioned with a second from Paul Mager that

- (1) The Cattaraugus County Planning Board adjourn its September 27, 2007 meeting in **memory of Curtis H. Bauer** who passed away on August 29, 2007 at the age of 80;
- (2) The Cattaraugus County Planning Board requested that a letter of condolence be sent to Mr. Bauer's family from the Board members and staff;
- (3) The Cattaraugus County Planning Board expressed its sorrow on Mr. Bauer's passing, and gave tribute to his legacy, as follows:
 - a) Mr. Bauer, as Cattaraugus County Forester (April 1, 1962 - March 31, 1994), managed the County forests and was instrumental, along with the County Planning Board, for the development of the Onoville Marina Park, the Planning Board's "Flagship" Project, during the late 1960's and early 70's.
 - b) Mr. Bauer continued to serve as the County's forestry consultant after retirement, as an employee of Forecon, Inc., a company that he founded.
 - c) Mr. Bauer actively served his community as a member of the Holy Trinity Lutheran Church; past president of the State Jaycees and local Jamestown Jaycees; long-time member of the Society of American Foresters; current member, past president and past vice-president of the SUNY College of Environmental Science and Forestry in Syracuse Board of Trustees, having served longer than any other board member in the entire SUNY system.
 - d) Mr. Bauer was an avid reader, local historian, snowshoer, downhill and cross-country skier. He enjoyed hiking, canoeing, and traveling; and, he loved to teach people about forestry, ecology, and the outdoors.
 - e) Mr. Bauer graduated from SUNY College of Environmental Science and Forestry in Syracuse.
 - f) Mr. Bauer served his country in the United States Navy during World War II.
 - g) Mr. Bauer modeled his life after the Boy Scout Oath and Scout Law and earned the rank of Eagle Scout while growing up in Schuylerville, New York.
 - h) Mr. Bauer is survived by three sons, Craig A. (Juanita) Bauer of Miami, Florida; Robert N. (Sue) Bauer of Golden, Colorado; and W. Stuart Bauer of Fredonia, New York; four grandchildren: Casey (Ronaldrick) Yazzie, and Megan (Brian) Shurley of Denver, Colorado, Michael Bauer of Boulder, Colorado and Seth Hogan is at SUNY Plattsburgh, NY; two great-grandchildren: Ayden and Malia; and a brother, Richard Bauer of Denver, Colorado.
 - i) Mr. Bauer was preceded in death by his wife, Solveig A. "Sue" Bauer, whom he married May 23, 1951 and who died April 11, 2004.



The loss of Curtis H. Bauer's presence will be sadly felt by his family, many friends and colleagues in Cattaraugus County. *Motion Carried.*

APPROVED AS SUBMITTED OCTOBER 25, 2007.