

Cattaraugus County Planning Board
Cattaraugus County Center
Little Valley, NY
November 29, 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
Jack Berger
Kameron Brooks
Florence Fuller
Robert Keis
David McCoy
David Rivet
Michael Zaprowski

PLANNING BOARD MEMBERS ABSENT: Richard Fuller

PLANNING DIVISION STAFF: Christopher G. Crawford, Senior Planner
Paul R. Bishop, Planner
Margaret E. Puszcz, Stenographic Secretary

GUESTS: Carol Horowitz, Planner Town of Great Valley
Joan Petzen, Chair Ag & Farmland Protection Board
Kathy Kellogg, Buffalo News

Chairman Sprague called the meeting to order at 7:00 p.m.

APPROVAL OF MINUTES

Charles Couture moved with a second from Kameron Brooks to approve the October 25, 2007 minutes as submitted. Carried.

NEW BUSINESS

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

Town of Randolph – Special Use Permit – Communications Tower – 3062 Atwood Hill Road

Chris Crawford reported that the Town of Randolph's Zoning Board of Appeals has referred a request for a Special Use Permit for construct and operate a 250

foot wireless communications tower (a total of four units) within 500' of an Agricultural District Parcel at 3062 Atwood Hill Road (Tax Map No. 79.002-1-22.1).

Upon Chris' review of the applicant's submitted documents from Velocitel, minutes of their 11/14/07 meeting, the Agricultural Data Statement, GIS data layers, and the town zoning ordinance, his findings were: a) the submitted documents to the town appear complete according to their ordinance, b) the Town Planning Board has only partially completed the SEQR Long Form EAF for this Unlisted Action in applicant submitted documents, c) Ag Data Statement was included, and d) a Public Hearing was held on November 14, 2007.

Staff recommendation, based on his review and findings, is that the proposed project has no intercommunity or countywide impact with an advisory that the Town ZBA should complete the Long EAF included in the applicant submitted documents.

Charles Couture moved with a second from David Rivet that the referred Town of Randolph Zoning Board of Appeals Special Use Permit to construct and operate a 250 foot wireless communications tower at 3062 Atwood Hill road has no intercommunity or countywide impact with an advisory that the Town ZBA should complete the Long EAF included in the applicant submitted documents. Carried. Kameron Brooks abstained.

Town of Great Valley – Adoption of Comprehensive Plan

Paul Bishop reported that the Town of Great Valley has referred its first Comprehensive Plan for adoption. This Plan is a very positive thing for the Town. This is the best way to preserve the Town's character especially with the Town being located between Ellicottville and Salamanca. Following are some points of interest:

- 1) The proposed Route 219 Freeway traverses the Town from north to south. Three interchanges would be located within the Town's boundaries. Special attention should be given to the type and location of development desired in the vicinity of these interchanges.
- 2) Agriculture is a prominent land use in Great Valley. Goal 1 of this plan is to "Preserve the rural character.....of the Town". Since much of the land most suitable for development is also land in the valleys that is classified as prime farmland, the Town should identify "Agricultural Protection Areas" where any proposed development should be sited away from the prime farmland.
- 3) Maps: Some version of the Base Map, Land Use Map and Comprehensive Plan Map (Future Land Use Districts) should be included within the document.
- 4) This plan is a real positive development for the residents of Great Valley. They saw some issues developing within their Town over the last few years that they had no control over and they made the determination that the best way to preserve the Town's character was to take action. The location of the Town between Ellicottville and Salamanca means that development pressures will only increase in the coming years - now they have one of the tools necessary to address that development.
- 5) SEQR: Full EAF (Parts 1, 2, and 3) completed - no significant impact on the environment found - negative declaration will be prepared.
- 6) A Public Hearing was held on November 12, 2007.

Staff recommendation is approval, with an advisory that the final plan document include copies of the base map, land use map, and comprehensive plan map (future land use districts map).

Carol Horowitz presented the Comprehensive Plan map and explained the proposed zones.

Paul Bishop mentioned that there are Agricultural Plan grants available to towns.

Carol Horowitz stated that they have had discussions on agriculture and are aware of the grant moneys available. However, it would be up to the Supervisor and Town Board if they pursue it or not.

Paul Mager moved with a second from Ann Padlo to approve with an advisory the Town of Great Valley's referred Comprehensive Plan. Advisory being that the final plan document include copies of the base map, land use map, and comprehensive plan map (future land use districts map). Carried.

Village of Perrysburg – Use Variance – Sporting Goods Business – Area Variances – Identification Sign and Addition to Existing Building – 10719 North Road

Chris Crawford reported that the Village of Perrysburg ZBA referred one Use Variance and two Area Variances (one for sign and one for rear setback) for the proposed establishment of a sporting goods store (mostly outdoor recreation, i.e. hunting and archery) at 10719 North Road (Tax Map No. 8.077-1-5). The application was referred to the County Planning Board because it is within 500' of a County Road a state facility and potentially a municipal boundary.

Upon Chris' review of applicant submitted documents (including statement in accordance with §7-712-b of Village Law), comments from the ZBA chair describing the neighborhood character, Village of Perrysburg Zoning Ordinance, conversation with Wayne Ormsby (WNY DDSO, property manager), and GIS data layers, his findings were: a) GIS parcel data layer was used to determine that parcel does not seem to be within 500' of the municipal boundary (~ 580' away). b) Character of general area seems to be mixed residential / institutional. c) SEQR EAF form has not been submitted. d) § 14.05 of the Village Zoning Ordinance requires that the Building Inspector insure that certain materials and certain procedures with regard to site plan considerations be followed in the case of a variance application, including preliminary site review and adherence to any conditions for the variance resulting from such review. Although not necessarily required, these materials were not submitted to as part of this referral. e) Parcel may also be within 500' of an Agricultural District Parcel based on the fact that the municipal boundary is also the boundary of an Agricultural District Parcel.

Staff recommendation, based on review and findings, is that the proposed project has no intercommunity or countywide impact with three advisories: 1) Advise the Village ZBA of the need to complete a SEQR EAF (most likely the short form) and to submit the completed form to this office for our records, 2) Advise the Village ZBA of the need to complete an Agricultural Data Statement and notify the Town of Perrysburg in accordance with §239-nn of General Municipal Law if it is determined that the parcel is within 500' of the Town of Perrysburg boundary, and 3) Advise the Village ZBA to examine the site plan considerations outlined in § 14.05 of the Village Zoning Ordinance if they have not done so already.

Charles Couture moved with a second from Tina Abrams that the Village of Perrysburg Zoning Board of Appeals referred use and Area Variances for the proposed establishment of sporting goods store at 10719 North Road has no intercommunity or countywide impact with three advisories: 1) Advise the Village ZBA of the need to complete a SEQR EAF (most likely the short form) and to submit the completed form to this office for our records, 2) Advise the Village ZBA of the need to complete an Agricultural Data Statement and notify the Town of Perrysburg in accordance with §239-nn of General Municipal Law if it is determined that the parcel is within 500' of the Town of Perrysburg boundary, and 3) Advise the Village ZBA to examine the site plan considerations outlined in § 14.05 of the Village Zoning Ordinance if they have not done so already. Carried.

Town of Yorkshire – Use Variance – 3101 Route 39 and Church Street

Paul Bishop reported that the Town of Yorkshire Zoning Board of Appeals had referred a use variance to add the sale of tractors, industrial equipment, and farm machinery to current business of automobile sales and service at 3101 Rt. 39 and Church Street (Tax Map No. 5.009-3-1) for last month's meeting, at which time, the Board returned it to them as an incomplete referral. The Town has now resubmitted this referral.

The applicant was granted, in 2005, a Special Use Permit (with conditions) to construct an automobile sale and service business on this parcel. The type of equipment he now wishes to sell (and service) is not listed anywhere in the Town of Yorkshire Zoning Law; therefore, a use variance is required. A SEQR Short EAF has been completed. A Public Hearing is scheduled for December 5th, 2007.

Staff recommendation is that the proposed action has no significant county-wide or inter-community impact, with three advisories: 1) Since the granting of a use variance is, in effect, a change in the zoning law for that particular parcel, the Town should consider revising their zoning law to identify the zoning district where uses such as this (and other similar ones) should be located. 2) The Town should define the type and limit the size of the farm machinery to be displayed on the parcel. 3) The town should limit the number of pieces of farm machinery to be displayed and also the location of display on the site, especially in that area of the parcel where display might affect sightlines at the intersection of Route 39 and Church St.

Florence Fuller moved with a second from Ann Padlo that the Town of Yorkshire Zoning Board of Appeals referred use Variance to add the sale of tractors, industrial equipment, and farm machinery to current business of automobile sales and service at

3101 Rt. 39 and Church Street has no significant county-wide or inter-community impact, with three advisories: 1) Since the granting of a use variance is, in effect, a change in the zoning law for that particular parcel, the Town should consider revising their zoning law to identify the zoning district where uses such as this (and other similar ones) should be located. 2) The Town should define the type and limit the size of the farm machinery to be displayed on the parcel. 3) The town should limit the number of pieces of farm machinery to be displayed and also the location of display on the site, especially in that area of the parcel where display might affect sightlines at the intersection of Route 39 and Church St. Carried.

Nomination to National & State Registers of Historic Places – Beardsley – Oliver House, Olean, New York

Paul Bishop reported that the Beardsley/Oliver House at 312 Laurel Avenue in the City of Olean is being nominated to the National and State Registers of Historic Places. The Beardsley/Oliver House was built in 1890 and is a blending of elements and characteristics of the Shingle and Queen Anne styles and is architecturally significant as an intact and representative example of the Late Victorian Era American residential design in the City of Olean. Its interior is highly intact and retains its design, materials, feeling and workmanship. All of the rooms on the first level are the original oak flooring and woodwork. The second floor contains five bedrooms and has the original woodwork and hardwood floors. Period hardware, including doorknobs, hinges, plates and locks, is found throughout the house. Staff recommendation is a letter of support for the nomination of the Beardsley/Oliver House at 312 Laurel Avenue in the City of Olean.

Ann Padlo moved with a second from David McCoy to support the nomination of the Beardsley/Oliver House, 312 Laurel Avenue, City of Olean to the National and State Registers of Historic Places. Carried.

OLD BUSINESS

Town of Great Valley – Proposed Great Valley Water Park Resort

Chris Crawford reported that at last month's meeting, after review of the proposed project and NYSDEC's letter challenging designation of the CCIDA as lead agency for this project and suggesting further negotiations, this Board tabled action for 30 days. At this time the Planning Board can table action again or send a letter stating that the Planning Board does not want to be lead agency, but will accept the results of the negotiations between the respective agencies with regard to final SEQR lead agency designation.

Charles Couture moved with a second from Tina Abrams to send a letter stating that the County Planning Board does not want to be lead agency, but will accept the results of the negotiations between the respective agencies with regard to final SEQR lead agency designation. Carried.

REPORTS/OTHER BUSINESS

Chairman's Report

Appointment of Nominating Committee – Chairman Sprague appointed Jack Berger, Chair and Florence Fuller, member.

December Meeting – Upon discussion, it was the consensus of the Board not to hold a December meeting unless there were significant items to act on.

Director's Report – None

Staff Reports

Update on Implementation of Agricultural & Farmland Protection Plan – Paul Bishop reported that the Agricultural & Farmland Protection Board had met on Tuesday in Ellicottville with John Stevens of Leadership Cattaraugus presenting on this program. Leadership Cattaraugus will be adding an agriculture component to the overall program. The Agricultural & Farmland Protection Board will be soliciting for agricultural individuals to participate in the program.

Update on Ashford Meadows Agricultural District – Paul Bishop reported for James Isaacson that an Informational Meeting and the Legislative Public Hearing on the Ashford Meadows Agricultural District was held Monday evening in West Valley. Two have requested that their property be taken out of the Agricultural District. The next step will be the adoption of the District by the County Legislature and then submittal to NYS Ag & Markets for their approval.

Workshop on Conservation Subdivision Model Ordinance – Paul Bishop reported for James Isaacson that a workshop on conservation Subdivision Model Ordinance will be held tomorrow, Friday, in the County Center, Little Valley.

Tax Exemptions for Alternative Energy Projects – Chairman Sprague reported that the proposed County Law to prohibit property tax exemptions on alternative energy projects, including wind energy farms was tabled for now. He stated, "The County needs to help farmers to enhance their operations, not hinder them."

Local Update on Census – Chris Crawford reported that he has been working to come up with an accurate list of addresses for all housing units in Cattaraugus County. A list of parcels with the potential to have housing units and suggestions for finding them is being compiled.

Continuing Municipal Support – Chris Crawford reported he has been working with Franklinville, Farmersville, Freedom, and Lyndon providing them with data, maps, etc.

UB Planning Studio – Chris Crawford reported that Sam Cole and the UB Planning Studio have been doing a project on the Route 16 Corridor. They will be doing their final presentation in December.

STW Report

Robert Keis reported that the STW Board did not meet therefore he had no report.

Members' Forum

Charles Couture reported that the Farm Bureau met with the Buffalo Branch of the Reserve Bank. Many topics were discussed and the speaker had a much better understanding of what agriculture brings to WNY and the effects of the workforce. It was a very good meeting and a very informative meeting.

David McCoy reported that there will be some changes to the Town of Portville Board – new supervisor – new website.

Ann Padlo congratulated Chairman Sprague on his re-election as Legislator for District #4.

Chairman Sprague reported that there have also been changes in the Town of Yorkshire – supervisor and two town board members.

CORRESPONDENCE

The following correspondence was received and reviewed:

Town of Ellicottville – Area Variance to allow a new pole barn to be constructed to within 50 feet of the front property line at 5193 Rt. 242 East where the Town's Zoning Ordinance requires a 100 foot setback – approval was granted after the ZBA weighed the five tests required by NYS law and determined that any potential detriments to the health, safety and welfare of the community did not outweigh the potential benefit to the applicant.

Town of Ellicottville – Master Planned Development – Greystone Subdivision – 6346 Route 242 E – conditional approval with four conditions of approval.

Town of Ellicottville – Amendments to Zoning Ordinance Relating to Wind Energy Facilities – adopted November 27, 2007

City of Olean – Site Plan and Special Use Permit – to convert a vacant warehouse into a showroom, office, and warehouse for an event rental business at 902 East State Street – approved with the condition that the only ingress/egress from the lot onto East State Street shall be the 70' curb cut on the east side of the lot.

Village of Little Valley – Special Use Permit to house 2 horses at 441 Rock City Street – granted.

ADJOURNMENT

David Rivet moved with a second from Kameron Brooks to adjourn the meeting at 8:20 pm. Carried.

APPROVED AS SUBMITTED January 31, 2008.