

Cattaraugus County Planning Board
County Center, Little Valley, NY
March 25, 2010
7:00 pm

PLANNING BOARD MEMBERS PRESENT: Charles Couture, Chairman
Paul Mager, Vice Chairman
Michael Zaprowski, Assist. Sec.
Tina Abrams
Jack Berger
Florence Fuller
Richard Fuller
David McCoy
David Rivet
Mark Smith

PLANNING BOARD MEMBERS ABSENT: Ann Padlo, Secretary
Kameron Brooks
Robert Keis

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
Dale and Nancy Shively
Robert A. Kilby

Chairman Couture called the meeting to order at 7:02 p.m.

APPROVAL OF MINUTES

Michael Zaprowski moved with a second from Florence Fuller to approve the January 28, 2010 minutes as submitted. Carried.

NEW BUSINESS

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

Town of Randolph – Area Variance – 3340 Ireland Road – Pole Barn

James Isaacson reported that the Town of Randolph referred a draft zoning ordinance and zoning map with the plan for dissolution of the villages of Randolph and East Randolph. The zoning districts of all three municipalities

were combined and consolidated into six districts. They have nearly 30 pages of definitions which is good. The more that things are defined the clearer the regulations will be. The new ordinance includes regulations for planned unit developments, site plan review, special use permits and variances, as well as supplementary regulations for a variety of uses and situations. There is also a sentence in the ordinance that states that upon dissolution of the villages, the town will institute a "hamlet" zoning district that would encompass the villages. This "hamlet" district is not part of this amendment. This map revision takes the existing village zoning districts and incorporates them into AFR, C, E, F & FW, and R. District use regulations in Ag-Forestry-Residential (AFR) permit the typical AFR uses (agriculture, residential), but also permit, by Special Use Permit (SUP), all other uses listed, including banks, grocery stores, office buildings, laundromats, restaurants, etc. The Town believes that the SUP provides enough control to keep downtown type uses in the downtown (commercial district). Allowing downtown type uses throughout the town (via SUP) makes village revitalization more difficult by giving prospective new businesses more location options that may be less expensive to develop. Staff recommendation is approval with an advisory that the Town should consider eliminating (not permitting) certain commercial uses from the AFR district use regulations that are most desirable in the downtown core of Randolph (e.g., banks, retail, office buildings, grocery stores, laundromats). This is a Type 1 Action under SEQR with a public hearing scheduled for April 1, 2010.

Discussion.

Michael Zaprowski moved with a second from David Rivet that the Town of Randolph's referred draft zoning ordinance and zoning map with the plan for the dissolution of the villages of Randolph and East Randolph be approved with the advisory that the Town should consider eliminating (not permitting) certain commercial uses from the AFR district use regulations that are most desirable in the downtown core of Randolph (e.g., banks, retail, office buildings, grocery stores, laundromats). Carried.

Town of Randolph – Area Variance – 3340 Ireland Road – Pole Barn

James Isaacson reported that the Town of Randolph Zoning Board of Appeals referred an Area Variance to locate a new pole barn for hay storage 50 feet from the center of the road where zoning requires a 75 foot setback from center of the road (drainage ditch interferes with meeting setback requirement) at 3340 Ireland Road. This was referred because it is within 500 feet of an ag district parcel. Upon staff review, it was concluded that pursuant to General Municipal Law Section 239m(3), this action is not subject to referral – an area variance within 500 feet of an ag district parcel is not subject to referral. This is a Type 2 Action under SEQR. A public hearing is scheduled for March 29, 2010. Staff recommendation is no action. It is a local issue with no impacts.

Town of Franklinville – Area Variance – 7930 Rt. 16 – Sign

James Isaacson reported that the Town of Franklinville Zoning Board of Appeals referred an area variance request from Triton Valley Homes at 7930 Route 16 for the installation of a new free standing, electronic reader board lighted sign on Route 16 just north of the Village. This sign will replace their existing sign which is at ground level. The new sign will be 4 feet higher than the zoning regulations allow (10 ft allowed; 14 feet proposed). The additional height is being requested in order to limit vandalism on the sign as well as damage from road debris.

This is a Type 2 Action under SEQR. A public hearing was held on March 9, 2010. Staff recommendation is local issue, no countywide or intercommunity impacts.

Tina Abrams moved with a second from Richard Fuller that the Town of Franklinville Zoning Board of Appeals referred area variance request for the installation of a new free standing, electronic reader board lighted sign at 7930 Route 16 is a local issue with no countywide or intercommunity impacts. Carried.

Town of Allegany – Special Use Permit/Site Plan Review – 1474 Four Mile Road

James Isaacson reported that the Town of Allegany Planning Board referred a Special Use Permit and Site Plan Review to allow an agricultural use in an R-1 zoning District at 1474 Four Mile Road (County Road 61). The applicant proposes to house 2 beef calves and 6 pigs in an existing barn on the property. The lot also contains the Sherwood Court Mobile Home Park. The owners consider these animals as pets, not commercial livestock. They are kept in the barn and in a small fenced area (60'x75') behind the barn. The fencing is a chain link fence. Animals are fed daily and the manure is picked up daily and stored in a trailer inside the barn. The trailer is emptied once or twice a week to a site on Nine Mile Road. County Health Dept. has reviewed the application and its proximity to the wells that service the mobile home park. They require a 150' separation distance from the wells to avoid any contamination. The fenced area and the barn are currently outside the 150' buffer. Given the small area for this use, the town should consider limiting the number of animals and ensuring adequate fencing, as well as keeping in place the manure handling practices the owner is currently doing. This is an unlisted action under SEQR. A public hearing is scheduled for April 12, 2010.

Dale and Nancy Shively, who are neighbors who live directly across the road from the barn where the calves and pigs are housed, expressed concerns about the manure storage, resulting odors and potential impacts from manure runoff on their well, devaluing of their property, fencing possibly not adequate and the fact that no one is around the animals except for a brief time during feedings.

Upon considerable discussion, David Rivet moved with a second from David McCoy that the Town of Allegany Planning Board's referred Special Use Permit and Site Plan Review to allow an agricultural use in an R-1 zoning District at 1474 Four Mile Road (County Road 61) be denied for the following reasons: Potential impacts from manure runoff on neighbor's well; inadequate fencing; unsupervised nature of animals. Carried.

Town of Allegany – Site Plan Review – Public Safety Building – St. Bonaventure University, Clare Road

Paul Bishop reported that the Town of Allegany Planning Board has referred a Site Plan Review for a Public Safety Building on Clare Road on St. Bonaventure University (SBU) campus (Tax Map No. 94.003-1-16.1). The building will include public restrooms and a lobby with an area for SBU visitor information. This building is part of an overall access improvement project that also includes an expansion of the Allegany River Valley Trail and improvements to interior roadways and parking lots on the campus. Further study was required by the State Historic Preservation Office of some pre-Seneca sites that were found near the river and resulted in some delay of the overall project. The Town Board, as SEQR Lead Agency, issued a Negative Declaration on March 11, 2010. The building will be located in a floodplain which is protected by a dike. The

building will be elevated to place the first floor above the base flood elevation. A public hearing has not been scheduled. Staff recommendation is approval.

Michael Zaprowski moved with a second from Paul Mager that the Town of Allegany Planning Board's referred Site Plan Review for a Public Safety Building on Clare Road on St. Bonaventure University campus is approved. Carried.

Town of Allegany Zoning Map Amendment/Special Use Permit/Site Plan Review

Paul Bishop reported that the Town of Allegany Town Board and Planning Board has referred a Zoning Map Amendment/Special Use Permit/Site Plan Review for the construction of a 29 turbine Wind Energy Conversion System (WECS) facility in the area of Chipmonk Road in the Town of Allegany. The Zoning Map Amendment is needed to place the parcels for this project into the Town's Wind Energy Overlay (WE) Zoning District. The WE Overlay Zoning District keeps all the underlying requirements of the A-F Zoning District in place and imposes the requirements of the WE Zoning District overlaid on those. Some important dates concerning this project are: Monday, April 12 at 6:45 pm is a presentation by Everpower on this project. Wednesday, April 21 at 7:00 is the Public Hearing for the Allegany Wind Farm. This is a Type 1 action under SEQR with a positive declaration and a Draft Environmental Impact Statement (DEIS) prepared. Due to the size and complexity of the DEIS, the staff feels that a request to table will allow for a more thorough review.

David Rivet moved with a second from Florence Fuller to table the Town of Allegany Zoning Map Amendment/Special Use Permit/Site Plan Review for the construction of a 29 turbine Wind Energy Conversion System in the area of Chipmonk Road for 30 days to allow for a more thorough review. Carried.

Environmental Reviews – None

Intergovernmental Reviews

Paul Bishop reported that Intergovernmental Reviews numbered STW#10.005 through #10.014 have been received. He noted number 5 is sponsored by the Town of Allegany for funding for the expansion of the Allegany Senior Center. Number 6, sponsored by the Town of Olean, is a request for funding for the purchase of 10 solar-powered bus shelters for the Olean Area Transit System.

Old Business

City of Salamanca – Tim Horton's

Mike Zaprowski reported that NYSDOT turned down Tim Horton's curb cut request onto Broad Street. Parkview will allow delivery trucks through their parking lot. Access to Tim Horton's will be from Messenger Street.

Reports

Chairman's Report

Chairman Couture displayed a book entitled "Farm Hands" by Tom River from Batavia. Mr. River's went out and worked on various farms to learn what is involved in agriculture today. Chairman Couture recommended that the County purchase several copies for lending.

Annual Meeting

Location - Upon discussion, Mark Smith volunteered Countryside Sand and Gravel's building in the Town of Dayton as a possible location for the Annual Meeting with the dinner being catered by the Old Library Restaurant of Olean. Tina Abrams volunteered the Seneca Allegany Casino in Salamanca as an alternative location.

Date - Dates discussed were July 28th as the preferred date and June 23rd as the alternative date.

Brooks Patterson Community Leadership Award – David McCoy made a suggestion which all felt was an excellent choice. Any other suggestions are due at the April meeting.

Department Reports

Census 2010 – Paul Bishop reported that the Census Road Tour was in Salamanca at the Seneca Iroquois National Museum this afternoon from 2-5 pm. Salamanca's new FM radio station, WGWE, broadcast live from there also. The Census has also set up a live feed on their website where you can see the percentage of returns from our County right down to the towns.

Best of America by Horseback – James Isaacson reported that the Best of America by Horseback show on RFD TV has brought the County a lot of national coverage. There were two shows a week apart. A DVD containing both shows is available from their website for \$32-34. The County had two 30 second ads on each show. We have had some very positive comments as well as individuals from out-of-state planning a trip here after seeing the show.

Ag and Farmland Protection Board Workshop – Paul Bishop reported that the Board members should have received an invitation to the Local Planning for Agriculture workshop on March 30th at the Great Valley Municipal Building at 7:00 pm. Local planning for agriculture is a proactive approach that utilizes specific tools to support the viability of farm businesses and protect farmland. Highlighted tools include agricultural districts; right to farm laws; comprehensive plans; agricultural and farmland protection plans; zoning ordinances; local property tax reduction programs; small business loans and assistance; purchase, lease, and transfer of development rights; and infrastructure planning. We will also be offering 2 hours of training credit to those planning and zoning board members who attend.

STW Report - No report

Members Forum

Mike Zaprowski reported that the City of Salamanca is very close to opening a primary health care center with tele med. Their ultimate goal is to build a health mall.

Florence Fuller reported that with the closing of the Limestone Elementary School, the town of Carrollton is looking into purchasing the building.

Tina Abrams reported that the Seneca Nation is very excited about the launching of their radio station, WQWE, after 20 years of working on it. She displayed a flyer for the Pow Wow on July 17 & 18, 2010. She also reported that the new Seneca Nation Administration building is now completed and in use. It is state-of-the-art with video conferencing, etc.

It was also noted that the Center Street Bridge will be closing April 19th for 18 months to 2 years for replacement.

Richard Fuller reported that Glacial Aggregates will start mining in the Town of Yorkshire after 18 years of litigation.

Mark Smith reported that he is the new Town Supervisor for the Town of Dayton.

Correspondence

Town of Allegany Planning Board – Extension of response period for Bonaventure Square Solicitation of SEQR Lead Agency Status.

Town of Allegany – Zoning Text Amendment – Wind Energy Overlay Zoning District – adopted on January 28, 2010.

City of Salamanca – Site Plan – Tim Horton's – 567 Broad Street – approved with conditions February 12, 2010.

Village of Allegany Planning Board – Site Plan Review – construction of new office building – 35-39 Main Street – approved February 22, 2010.

Senator Catharine M. Young – response to letter regarding the potential closing or reduction of services for some of our area's state parks and encouraging park supporters to sign the online petition.

Next Meeting – April 29, 2010.

Adjournment

Paul Mager moved with a second from David Rivet to adjourn the meeting at 8:30 pm. Carried.

APPROVED AS CORRECTED APRIL 29, 2010

Correction: Page 5 under Census 2010 third line, change "WQWE" to WGWE.