

CATTARAUGUS COUNTY PLANNING BOARD

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David L. McCoy

Joseph T. Pillittere

Mark Smith

James Valent

Cattaraugus County Planning Board
County Center, Little Valley, NY
May 26, 2011
7:00 pm

PLANNING BOARD MEMBERS PRESENT:

Charles Couture, Chairman
Paul Mager, Vice Chairman
Ann Padlo, Secretary
Michael Zaprowski, Assist. Sec
Tina Abrams
Kameron Brooks
Robert Keis
Joseph Pillittere
James Valent

PLANNING BOARD MEMBERS ABSENT:

Florence Fuller
Richard Fuller
Mark Smith
David McCoy

PLANNING DIVISION STAFF: Crystal Abers, Director
Paul Bishop, Senior Planner
James Isaacson, Senior Planner

GUESTS: Nick Pircio, The Villager

Chairman Couture called the meeting to order at 7:01 pm.

APPROVAL OF MINUTES

Paul Mager moved with a second from Kameron Brooks to approve the minutes of the April 28, 2011 meeting as submitted. Carried.

NEW BUSINESS

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

Town of Allegany – Zoning Text Amendment – Bonaventure Square PD Zoning District

James Isaacson reported that the Town of Allegany has referred a Zoning Text Amendment for the Bonaventure Square PD Zoning District located at 3168 NYS Route 417 (Tax Map Nos. 94.061-1-31.3; -31.4; -40.2). The zoning change would increase the maximum height of the retail buildings to a maximum of 40 feet, and the apartment and hotel buildings to a maximum of



60 feet. The Town Planning Board has also requested an amendment to a performance standard that requires a fence to be installed on property lines around the project. The Town Planning Board would like more flexibility with this standard, so as to reduce the removal of mature trees and vegetation along property lines that already provide adequate buffering. The request for increased height came as a result of the Town Planning Board's preference for pitched roofs on the buildings. The applicant is not able to meet the height requirements of the approved district once the pitched roofs are included. This amendment would increase the height limit to allow the inclusion of pitched roofs on the buildings. The PD Zoning District regulations require a fence to be installed on the property line around the project. This would necessitate the removal of mature trees and vegetation that already provide an adequate buffer from the project. The Town Planning Board is asking for more flexibility in applying this performance standard, so that areas that already have a natural buffer will not be disturbed. This is a Type 1 Action under SEQRA with a Negative Declaration. A public hearing is scheduled for June 8, 2011. Staff recommendation is approval.

Kameron Brooks moved with a second from Joseph Pillittere to approve the Town of Allegany Zoning Ext Amendment for the Bonaventure Square PD Zoning District located at 3168 NYS Route 417. Carried.

Town of Allegany – Site Plan Review – Bonaventure Square PD

Paul Bishop reported that the Town of Allegany has referred a site plan review to begin Phase 1 of the Bonaventure Square development in the Town of Allegany located at 3168 NYS Route 417 (Tax Map Nos. 94.061-1-31.3, 94.061-1-40.2, 94-061-1-31.4). Phase I of this project includes a bookstore, an apartment building, a entertainment/restaurant complex, a hotel and the district energy facility. In the future, Phase 2 will include a sports arena. There will be a public road around the perimeter of the site. Documentation submitted includes site layout, storm drainage, utility plan, demolition plan, SWPP plan, landscaping plan and lighting details. Possible issues identified in reviewing the documentation included:

- (1) Over parked by 135 spaces. Consider reducing parking and adding more open space or "gathering" areas.
- (2) Landscaping along Route 417 should be of sufficient height to screen parked cars from view from Route 417.
- (3) Main entrance: not enough room for cars to queue, especially during times when events are going on in the sports arena.
- (4) An 8' high white privacy fence encircles the property on three sides. Consider instead using landscaping that would blend in better with the surrounding neighborhood to create less of an "institutional" look.

Charles Couture stated that an 8' fence is very large and will look like a correctional facility!

This is a Type 1 Action under SEQRA. A full EAF with a Negative Declaration was previously reviewed and considered adequate. A public hearing is scheduled for June 8, 2011.

Staff recommendation is approval with the following advisories:

- (1) Consider reducing parking and adding more open space or gathering places such as patios, gazebos, benches and mini-parks.
- (2) Review landscaping along Route 417 to ensure that it is of sufficient height to screen parked cars from view from Route 417.

- (3) Ensure that the main entrance is adequate for all cases so that cars attempting to enter Bonaventure Square are not forced to queue up on route 417.
- (4) Rather than an 8' high white privacy fence encircling the property on three sides, consider instead using landscaping (both existing and new) that would allow the project to blend in better with the surrounding neighborhood.

Kameron Brooks moved with a second from Michael Zaprowski to approve with advisories the Town of Allegany's referred Site Plan Review for Bonaventure Square PD. Advisories:

- (1) Consider reducing parking and adding more open space or gathering places such as patios, gazebos, benches and mini-parks.*
- (2) Review landscaping along Route 417 to ensure that it is of sufficient height to screen parked cars from view from Route 417.*
- (3) Ensure that the main entrance is adequate for all cases so that cars attempting to enter Bonaventure Square are not forced to queue up on Route 417.*
- (4) Rather than an 8' high white privacy fence encircling the property on three sides, consider instead using landscaping (both existing and new) that would allow the project to blend in better with the surrounding neighborhood. Carried.*

Town of Dayton ZBA – Special Use Permit – Wolfe Road

Paul Bishop reported that the Town of Dayton has referred a Special Use Permit to mine gravel in the 100-year floodplain on a portion of his property at Wolfe Road (Tax Map No. 34.002-1-27). Almost all of this parcel is within a NYS DEC Wetland NA-1 (Class 1, which has the most stringent requirements) or the Wetland Checkzone. A portion of this parcel is already in the Northwest Agricultural District (as are all the parcels adjacent to the north). All of the portion of this parcel under consideration for mining is prime agricultural land. Some issues the Town should consider also are: 1) Limiting the hours of operation further from the applicant's request. 2) Setting a time limit for the Special Use Permit (such as five years) and 3) Moving the entrance to the mine away from the residence at 8679 Wolfe Rd. This is a Type 1 Action under SEQR. A Full EAF was submitted. Ag Data Statement was submitted.

Staff recommendation is that the proposed action has no significant county-wide or inter-municipal impact with the following advisories:

- (1) Consider further limiting the hours of operation from the applicant's request.
- (2) Consider setting a time limit for renewal of the Special Use Permit (such as five years).
- (3) Consider moving the entrance to the gravel mine further away from the residence at 8679 Wolfe Rd.

Kameron Brooks moved with a second from Michael Zaprowski that the referred Town of Dayton ZBA's Special Use Permit has no significant county-wide or inter-municipal impact with the following advisories: (1) Consider further limiting the hours of operation from the applicant's request. (2) Consider setting a time limit for renewal of the Special Use Permit (such as five years). (3) Consider moving the entrance to the gravel mine further away from the residence at 8679 Wolfe Rd. Carried.

Environmental Reviews

Onoville Marina Park Environmental Assessment – US Army Corps of Engineers

Paul Bishop reported that the US Army Corps of Engineers, Pittsburgh District is proposing to grant a 50-year lease renewal (2026 – 2076) to Cattaraugus County for the continued operation and expansion of the Onoville Marina Park located at the Allegheny Reservoir, New York. Some of the proposed expansions are more campsites, trails, storm sewer, office, etc. He passed out a project description for the Board's review.

Intergovernmental Reviews

Paul Bishop reported that Intergovernmental Reviews numbers STW #11.015 through STW #11.018 have been received, reviewed, no comment. Board concurred.

Chairman Couture commented that the project descriptions are very vague. Robert Keis stated that these are passing through STW. They are not STW projects. STW members can request additional information.

OLD BUSINESS**Annual Meeting – July 27, 2011**

Crystal Abers reported that Mark Smith has been making the arrangements for a caterer. He wants to know what price for the meal the Board would be comfortable with. Upon discussion, the Board wanted to stay at approximately \$25.00 per person.

REPORTS**Chairman's Report**

Chairman Couture reported that agriculture this season has been very much hurt by our wet weather. From an agriculture stand point, we're headed towards a disaster.

Department Reports

Census 2010 – Paul Bishop handed out new Census 2010 information for Cattaraugus County and age group comparisons between 2010 and 2000.

Annual Report 2010 – Paul Bishop distributed copies of the Annual Report for 2010 for the Planning Board and the entire Department. A County Planning Board Annual Report is required by General Municipal Law Section 239-c.4.

STW Report

Robert Keis reported that the **18th Annual Local Government Conference** was held at Houghton College on May 11th with 375 participants, vendors and speakers in attendance.

Mr. Keis also reported that the **Broadband** issue is moving forward with most of Allegany County completed. It is being very well received in many towns. Towns are being asked to contribute \$5,000 each toward the broadband project. STW is obtaining an ARC grant and the STW Foundation is contributing. Part of Freedom now has coverage through this effort.

Paul Mager asked if BOCES is involved. Mr. Keis indicated “no” they are not a contributor.

There are problems in Little Valley and Wellsville with leases on municipal poles. STW is not looking to compete – just an option for residents. We at STW are the only one doing this in New York State. It is being very well accepted. It is a big feather in their cap.

STW’ baseline program, Western New York Watershed Protection Planning and Chautauqua Institution Storm Water Quality Treatment Program were approved and received funding of \$399,029.80 through the NYSDEC.

James Valent stated that there is a need for fish farms. Gary Green in Farmersville was raising Atlantic Char.

Members Forum

Ann Padlo went on record that she had “noted that farms in California – windmills bother cows and that their fat content decreases in their milk. They (California) against. When one windmill breaks, they all break.

Joseph Pillittere reported that there was a flash flood in Little Valley last Thursday on 4th Street with several homes being affected. Onoville Marina’s opening was delayed because of high reservoir water, but will be opening on a limited basis on May 27. The boat slips are all sold out.

Mr. Pillittere also reported that he had met with NRCS on the watershed and they will be coming here to discuss with the Legislature.

Paul Mager reported that he did the shearing of his alpacas and it went well.

Kameron Brooks stated that the issue with the McNally Building in Randolph is that it needs to be secured and land banked for 2 - 5 years.

Mr. Brooks also reported that the Pat McGee Trail is up for sale at a price of \$500,000. It needs to remain a trail for another 13 years.

Jim Valent asked if Farmers Markets could be set up at the Allegany Rest Area even though the State owns the rest area. Need to check with State on this. Also could consider the Carter Auction Building and Bockmeir Farms as other potential sites for a farmer’s market just off I-86.

Michael Zaprowski reported that the City of Salamanca’s Attorney, Ross Peters passed away suddenly. George Heron, past Seneca President, also passed away.

CORRESPONDENCE

The following correspondence was received and reviewed:

Town of Ellicottville – Amendment to Zoning Ordinance to change designation for single family and 2-family homes from “not permitted” to “permitted” uses in the Industrial Zoning District – adopted April 6, 2011.

NEXT MEETING – June 30, 2011

ADJOURNMENT

Michael Zaprowski moved with a second from Joseph Pillittere to adjourn the meeting at 8:45 pm. Carried.

APPROVED AS SUBMITTED JUNE 30, 2011.