

Cattaraugus County Planning Board  
Good Times of Olean, Olean, NY  
July 24, 2013  
4:00 pm

PLANNING BOARD MEMBERS PRESENT: Charles Couture, Chairman  
Ann Padlo, Secretary  
Michael Zaprowski, Assist. Sec.  
Florence Fuller  
Richard Fuller  
Robert Keis  
David McCoy  
Joseph Pillittere

PLANNING BOARD MEMBERS ABSENT: Paul Mager, Vice Chairman  
Tina Abrams  
Kameron Brooks  
Mark Smith  
James Valent

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

GUESTS: none

Chairman Couture called the meeting to order at 4:28 pm.

## **REPORTS**

### **Chairman's Report**

Chuck Couture mentioned that Phyllis Couture went to a meeting where a proposal was discussed to ban harvesting of crops where animals have been in the fields.

### **January – June Mileage Vouchers**

Mileage vouchers were passed out to members for the months January through June.

### **Department Reports**

#### **Training at August Meeting**

Paul Bishop discussed the possibility of training for County Planning Board members at its next meeting in August.

**STW Report**

Bob Keis reported on recent activities with Southern Tier West Regional Planning & Development Board. ARC presentations for funding were made at their last meeting. The Board prioritized the applications. Laptops are also being provided to town highway superintendents with training on applications for highway management. Two projects from Cattaraugus County on the Comprehensive Economic Development Strategy (CEDS) are the St. Bonaventure Square project in Allegany and the Tri-County Memorial Hospital in Gowanda.

**Members Forum**

Joseph Pillittere says that there is a lot of work going on throughout the County, but the rain has caused somewhat of a setback. A milling and paving project is occurring this year. Joe also mentioned the stormwater demonstration project at the Little Valley DPW facility was pushed through with ARC funding with the help of Richard Zink at STW.

*Ann Padlo and David McCoy arrived.*

**APPROVAL OF MINUTES**

*Joseph Pillittere moved with a second from Ann Padlo to approve the minutes of the June 27, 2013 meeting as submitted. Carried.*

**NEW BUSINESS****General Municipal Law Section 239 (l) & (m) Referrals****City of Olean – Sign Variance – 800R East State Street**

Paul Bishop reported that the City of Olean Zoning Board of Appeals is reviewing a sign variance request from Good Times of Olean, who wishes to erect a sign at the entrance to the new business off East State Street. The sign will be located along East State St. in an area that is zoned GC - General Commercial. The pylon sign will be 192 sq. ft. in area (65 sq. ft. allowed) and 35 ft. high (25 ft. allowed). The base of the sign will start 4 ft. from the sidewalk and 10 ft. from the new road. No SEQR Short Form EAF has been submitted. The Olean ZBA approved this at their July 11<sup>th</sup> meeting.

*Joseph Pillittere moved with a second from Robert Keis that the sign variance at 800R East State Street in the City of Olean be approved, with the advisories that the City Zoning Board of Appeals submit a completed SEQR EAF to the County Planning Office, and rescind their July 11<sup>th</sup> approval and reapprove. Carried.*

**City of Olean – Use Variance and Off-Street Parking – 202 East State Street**

James Isaacson reported that the City of Olean Zoning Board of Appeals is reviewing a request for a use variance and an off-street parking waiver for a boarding house at 202 E. State Street. This is in the R-T Residential Transitional District just on the edge of downtown. The applicant plans to use the first and second floors for single resident occupancies. This type of use fits the City's definition of boarding house (3 to 6 rooms), which is not a permitted use in the R-T

District. The building's architecture is well suited for this type of use and it is consistent with the surrounding neighborhood. The applicant is requesting a waiver on off-street parking and intends to use a nearby public parking lot owned by the City for residents of these units. The applicant does not anticipate many of the tenants having automobiles. There are no countywide or inter-municipal impacts, Staff recommendation is Local Issue.

*Joseph Pillittere moved with a second from Florence Fuller that the use variance and off-street parking variance for 202 E. State Street is a Local Issue. Carried.*

### **Town of Franklinville – Zoning Text Amendment and Zoning Map Amendment**

James Isaacson reported that the Town of Franklinville is proposing to amend their Zoning text and Zoning map. The change is to rezone a portion of the B-1 General Business District south of the Village of Franklinville to Ag Residential District. The reason for this change is to allow a property owner to sell their residential home in the B-1 District. Residences are not a permitted use in the B-1 District, so this is a non-conforming use. However, the lending institution is unwilling to finance the purchase of a non-conforming home in the event that it is destroyed beyond a certain point and cannot be re-established as a non-conforming use. Any damage or destruction beyond 60% of the property's value would not permit the re-establishment of the non-conforming use.

The Town's solution is to drop the commercial zoning in this particular district, with the exception of the only existing commercial use in the district – Civic Auto Sales and Service. They are also proposing to move automobile sales, automobile service and automobile body shop from Special Use Permits to permitted as-of-right uses. This would allow Civic Auto to operate with less permitting oversight by the Town. This solution does work and will accomplish what the Town is seeking to do.

A better solution is to allow residential uses in the commercial district. This would allow for a more mixed use district, and would allow the residential uses in the other commercial districts in town (both B-1 and B-2) to continue as permitted uses, thus avoiding the current problem with lending institutions. This should be a consideration for further review by the Town.

Staff recommends approval, with the advisory that the Town consider adding residential uses to the commercial districts (B-1 and B-2) in the future to allow for a more mixed use development pattern in these districts.

*David McCoy moved with a second from Ann Padlo that the Town of Franklinville's request for a Zoning Map and Text Amendment be approved, with the advisory that the Town consider adding residential uses to the commercial districts (B-1 and B-2) in the future to allow for a more mixed use development pattern in these districts. Carried.*

### **ENVIRONMENTAL REVIEWS – None**

### **INTERGOVERNMENTAL REVIEWS – None**

**OLD BUSINESS****Village of Gowanda – Special Use Permit and Variance – 42 Jamestown Street**

James Isaacson reported that the Village of Gowanda is reviewing a site plan application for the construction of a 9,000 sq. ft. office building at 42 Jamestown Street (the former Burger King Restaurant). The proposed use of the building is as a medical office facility. It was originally submitted as a “special use permit application for an anticipated increase in traffic” and a parking variance - neither of these are required. There is no requirement for a SUP for this type of use, and there is no standard for parking requirements for this type of use.

32 parking spaces will be provided. They will be provided primarily on an adjacent lot under a 25-year lease agreement. Building meets setback requirements. Building is larger than previous building, though most of the lot is impervious paved parking lot. Stormwater will be handled with existing subsurface stormwater system. The applicant and the Village should look at ways to reduce stormwater runoff (e.g., increasing green space and vegetation, reducing impervious surfaces). CEO is requiring a floodplain development permit, even though the site is not in a floodplain per the 2008 FEMA maps. This site flooded during the 2009 Gowanda Flood as did a number of adjoining properties. The applicant is challenging this requirement. This site is within 500 feet of State Route 39 and the County Line (Cattaraugus Creek). There are no countywide or inter-municipal impacts. Staff recommendation is Local Issue.

*Joseph Pillittere moved with a second from Ann Padlo that the Village of Gowanda’s referral for a site plan application at 42 Jamestown Street is a local issue, with the advisory that the applicant and the Village look at ways to reduce stormwater runoff (e.g., increasing green space and vegetation, reducing impervious surfaces). Carried.*

**CORRESPONDENCE – NONE**

**NEXT MEETING – August 29, 2013 – 7:00 pm at 303 Court Street, Little Valley, NY**

**ADJOURNMENT**

*Michael Zaprowski moved with a second from Robert Keis to adjourn the meeting at 5:13 pm. Carried.*