

CATTARAUGUS COUNTY PLANNING BOARD

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Web Page: <http://www.cattco.org>

Cattaraugus County Planning Board
Cattaraugus County Center, Little Valley, NY
August 25, 2011
7:00 pm

Board Officers

Charles W. Couture
Chairman

Paul D. Mager
Vice Chairman

Ann Padlo
Secretary

Michael Zaprowski
Assistant Secretary

Board Members

Tina J. Abrams

Kameron Brooks

Florence J. Fuller

Richard P. Fuller

Robert C. Keis

David L. McCoy

Joseph T. Pillittere

Mark Smith

James Valent

PLANNING BOARD MEMBERS PRESENT:

Charles Couture, Chairman
Paul Mager, Vice Chairman
Ann Padlo, Secretary
Michael Zaprowski, Assist. Sec
Tina Abrams
Kameron Brooks
Florence Fuller
David McCoy
Joseph Pillittere
Mark Smith
James Valent

PLANNING BOARD MEMBERS ABSENT:

Richard Fuller
Robert Keis

PLANNING DIVISION STAFF:

Crystal Abers, Director
Paul Bishop, Senior Planner
James Isaacson, Senior Planner
Margaret Puszcz, Keyboard Specialist

GUESTS: None

Chairman Couture called the meeting to order at 7:00 pm.

APPROVAL OF MINUTES

David McCoy moved with a second from Joseph Pillittere to approve the minutes of the July 27, 2011 meeting as submitted. Carried.

NEW BUSINESS

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

Town of Otto – Special Use Permit – 8203 N. Otto Road

Paul Bishop reported that the Town of Otto Zoning Board of Appeals has referred a request for a Special Use Permit to create a recycle area for metal, plastic, glass, paper, cardboard, electronics tires, etc. at 8303 N. Otto Road (Tax Map No. 36.009-2-54.2). This approximately 20 acre site will also serve as an area to park trucks and store roll-off boxes, equipment, and spare parts for trucks. This proposed action required referral to the County Planning Board



based on the property's location within 500 feet of County Roads 11 and 12 and within 500 feet of the boundary of a farm operation located in the South Branch Agricultural District. The use requested by the applicant is not listed under either the Permitted Principal Uses or the Special Permitted Uses for the Hamlet Residential District (HR) in the Town of Otto Zoning Ordinance. Therefore, it is not allowed per the zoning ordinance and the applicant would need to request a use variance and would need to meet the much more stringent requirements of a use variance. It is an Unlisted Action under SEQR with a short EAF completed and submitted. An Ag Data Statement is required but was not received. A portion of the parcel is in a floodplain.

Staff recommendation is disapproval based on the review of the Town's Zoning Ordinance that shows that the requested use is not listed under either the Permitted Principal Uses or the Special Permitted Uses for the Hamlet Residential District (HR) where the parcel is located.

Michael Zaprowski moved with a second from Joseph Pillittere that the Town of Otto Zoning Board of Appeals referred Special Use Permit request to create a recycle area for metal, plastic, glass, paper, cardboard, electronics tires, etc. at 8303 N. Otto Road be disapproved. Carried.

Town of Little Valley – Special Use Permit – 4826 NYS Rt. 353

James Isaacson reported that the Town of Little Valley Planning Board has referred a Special Use Permit for a fence to be constructed at 4826 NYS Route 353 (Tax Map No. 64.003-1-49). The property is a single family residence with a neighboring residence to the north. The fence will be constructed along the north property line (about 2' off), about 6 feet tall. The fence will come about even with the front of the homes and is set back far enough from the road so the neighbor can see on-coming traffic when backing out. If Little Valley had a referral exemption agreement, we would not have seen this referral. This is an Unlisted Action under SEQR. A public hearing was held on August 22, 2011. Staff recommendation is local issue, no countywide or intercommunity impacts.

Kameron Brooks moved with a second from Tina Abrams that the Town of Little Valley Planning Board's referred Special Use Permit for a fence to be constructed at 4826 NYS Route 353 is a local issue with no countywide or intercommunity impacts. Carried.

Village of Franklinville – Area Variance – 109 Rt. 16 South

James Isaacson reported that the Village of Franklinville Zoning Board of Appeals has referred a Use Variance for the creation of ball fields on a vacant agricultural parcel located in the Industrial Zoning District at 109 South Main Street/Route 16 (Tax Map No. 40.078-1-32.4). There will be one full sized football field and one smaller, half sized football field with about 49 parking spaces in a gravel lot. The parking lot entrance is off of Route 16 at the northern edge of the property. Visibility when exiting the site is good to the north but to the south there is a bridge and guardrail. Up until a couple of weeks ago, weeds had grown up around the guardrail and along the property line and had obscured the view of oncoming traffic from the south. After it was mowed, visibility was fine. There are no drainage plans shown. Stormwater management measures should be implemented to protect water quality and adjacent properties from runoff. This parcel is on prime agricultural soils. The site is only 5.4 acres. It has historically grown crops such as corn. An Ag Data Statement is needed but was not provided. This parcel is also in a flood zone. It is an Unlisted Action under SEQR. A public hearing is scheduled for September 6, 2011. Staff recommendation is approval with the following advisories: 1) Vegetation along sidewalk should be kept down to ensure visibility is maintained;

2) Stormwater management measures should be implemented to protect water quality and adjacent properties from runoff; and 3) An Ag Data Statement should be submitted to the County Planning Office.

David McCoy questioned the fact that the parcel is in a flood plain and stated that the stream banks should not be cleared. They should be maintained as a buffer for the stream bank. Discussion concerning the quality of the water in the stream for fishing.

David McCoy moved with a second from Michael Zaprowski that the Village of Franklinville Zoning Board of Appeals referred Use Variance for the creation of ball fields on a vacant agricultural parcel located in the Industrial Zoning District at 109 South Main Street/Route 16 be approved with the following advisories: 1) Follow appropriate storm water rules per NYSDEC as necessary. 2) Follow any flood control ordinance standards. 3) Keep vegetation along roadway property maintained to ensure proper visibility for exiting traffic. 4) Submit a completed Ag Data Statement to the County Planning Office. Carried.

Town of Allegany – Special Use Permit/Site Plan Review – Buffalo Street

James Isaacson reported that the Town of Allegany Planning Board has referred a Special Use Permit and Site Plan Review for the construction of a new doctor's office on Buffalo Road (Tax Map No. 94.001-1-43.2). This is on County Road 83, just past N. Seventh Street and near I-86 and the Town of Olean. It is a portion of a larger site (1.7 acres) owned by Duggan & Duggan and possibly once used as a staging area for the I-86 reconstruction in 2007. There will be a 10 space paved parking lot in front and 7-8 parking spaces on gravel in the back. This is an Unlisted Action under SEQR. A public hearing has been scheduled for September 12, 2011.

Special Use Permit – Doctor's office is permitted by SUP in the L-1 Light Industrial District. There will be no traffic impact and it will be set back 65 feet from the property line. Staff recommendation is approval.

Ann Padlo moved with a second from Joseph Pillittere that the Town of Allegany Planning Board's referred Special Use Permit for the construction of a new doctor's office on Buffalo Road be approval. Carried.

Site Plan Review – There will be a paved parking lot in front of the building and a gravel parking lot in the rear of the building for employees, and a leach field behind the gravel parking lot. There was no stormwater management plan provided. Stormwater management measures should be implemented to protect water quality on adjacent properties from runoff. Staff recommendation is approval with the following advisory that stormwater management measures should be implemented to protect water quality and adjacent properties from runoff.

Florence Fuller moved with a second from James Valent that the Town of Allegany Planning Board's referred Site Plan Review for the construction of a new doctor's office on Buffalo Road be approved with an advisory that stormwater management measures should be implemented to protect water quality and adjacent properties from runoff.

Kameron Brooks asked why we weren't recommending the Randall Arendt Standards of the building in the front and parking in the rear.

Upon discussion, Kameron Brooks moved with a second from Paul Mager to amend the motion on the floor to add a second advisory to consider moving the building to the front of the lot with all parking in the rear pursuant to design guidelines in Cattaraugus County's Design Guidebook, Vol. 2. Carried.

Environmental Reviews – None

Intergovernmental Reviews

Paul Bishop reported that Intergovernmental Reviews numbered STW #11.027 and 11.028 have been received, reviewed, no comments. The Board concurred.

OLD BUSINESS

City of Olean – Site Plan Review/Area Variance – 2610 West State Street

Paul Bishop reported that the City of Olean had referred a Site Plan Review to convert an existing former retail and restaurant commercial facility to a new restaurant at 2610 West State Street (Tax Map No. 94.062-2-32) for review at the Planning Board's March 2011 meeting but was tabled at the City's request. This review is now resubmitted by the City. The applicant wishes to add a vestibule, entry porch and a non-permanent walk-in cooler to the existing building. Most of the current building is within the 100 year floodplain. The applicant is requesting an area variance to build these new structures to match the floor level of the existing building which is 1-3/16" below the floodplain level. The actual addition of these structures would add an additional 734 sq. ft. to the existing building's 6,830 sq. ft. The property had previously been granted a variance for the building due to the minimal intrusion into the floodplain. The non-permanent walk-in cooler and the applicant's dumpsters would be located on property owned by St. Bonaventure University. The University and the applicant have been in negotiations and are in general agreement that an easement can be approved for these items. This is an Unlisted Action under SEQR with a Short EAF completed. Staff recommendation is that the proposed action has no significant county-wide or inter-municipal impacts.

Paul Mager moved with a second from Joseph Pillittere that the City of Olean's referred Site Plan Review and Area Variance to convert an existing former retail and restaurant commercial facility to a new restaurant at 2610 West State Street has no significant countywide or inter-community impacts. Carried.

REPORTS/OTHER BUSINESS

Chairman's Report

Chairman Couture reported that paving is underway on Thornwood Drive in West Valley from Route 219 to Route 240.

Members Reappointed – Chairman Couture reported that members Tina Abrams, Mark Smith, Kameron Brooks and James Valent have been reappointed to the County Planning Board by the County Legislature Chairman for a term to expire July 31, 2014.

September Meeting Location – Paul Bishop reported that James Ellis, County Legislator, has invited the County Planning Board to hold its September meeting at the East Otto Town Hall which is located in the historic East Otto Union School built in 1920. This building is now on the State and National Historic Registers. The County Planning Board held a meeting there in 2004 prior to its nomination to the historic registers. The Board concurred with having its September 29th meeting there.

Concerned Citizens of Cattaraugus County – Chairman Couture read a letter from Concerned Citizens of Cattaraugus County sent to both Senators Schumer and Gillibrand concerning the “industrial wind turbine issue”.

Paul Bishop noted that the Town of Allegany final vote on the Allegany Wind project will take place on Monday, August 29th.

Department Reports

Training – Each member was given a compilation of their training hours for the year. For those still in need of hours, Paul Bishop noted several upcoming opportunities.

County Comprehensive Plan – James Isaacson reported that the County’s current Comprehensive Plan was done in 1977 with a minimal update in 1982. Funded by a state grant, the Plan does not address issues that we are dealing with today. We have done several studies in the past years such as the Guide Books, Route 16 Corridor, and Allegany State Park Perimeter Study. We need to look at the County as a whole and decide what direction to take. Smart Growth and Sustainable Communities were not addressed in our Plan from the 70’s and 80’s. James has been looking at what the process will be that we need to go through. General Municipal Law states that the County Legislature appoints a Comprehensive Plan Committee. He feels that the County Planning Board should be that Committee. Chautauqua County spent \$250,000 over a 3 year period. Staff can do a lot of the basic information and a consultant could be hired to help with the public meetings and visioning. We need to define a Scope of Work and rationale for the consultant, then go to the Legislature to get the Committee appointed and the consultant hired.

Town of Carrollton Zoning – Paul Bishop reported now that the Town of Carrollton has completed its Comprehensive Plan they have started to work on a zoning ordinance. They are going to use the Village of Limestone Zoning Ordinance as a starting point. Paul and James will be working with Robert Wood and the Zoning Commission and will be offering them guidance and training.

OnoFest – Crystal Abers reported that Onofest was a success. We had great weather; 400 cars were parked; we had more bands and vendors than last year and no county dollars were spent.

Chairman Couture stated that he thought it was fantastic and the fireworks were great.

Empire Farm Days – Chairman Couture reported that the Cattaraugus County Farm Bureau had a booth at the Empire Farm Days on August 8, 9 & 10. There were 80 – 90,000 people there during the 3 day event which has the largest machinery and farming related businesses represented anywhere in the state. The Farm Bureau distributed the Cattaraugus County Activities Guide at their booth.

Disaster Areas – Paul Bishop reported that the USDA has designated 8 counties in New York as primary natural disaster areas due to damage and losses as a result of excessive rain, high winds and cooler than normal temperatures that occurred March 1 through June 1 of this year. This designation was made on August 16 and makes all qualified farm operators in the designated areas eligible for low interest emergency (EM) loans from USDA's Farm Service Agency (FSA), provided eligibility requirements are met. Farmers in eligible counties have eight months from the date of the declaration to apply for loans to help cover part of their actual losses.

Peter Cooper Site – Paul Bishop reported that the Peter Cooper factory site in Gowanda, due to clean up efforts, has been reclassified from a class 2 to a class 4 in the NYSDED Superfund Program.

Town of Yorkshire – Paul Bishop reported that the Norman Rogers site on California Road in the Town of Yorkshire has been cleaned up and will be removed from the NYSDEC Superfund Program.

Draft SGEIS Hydraulic Fracturing – Paul Bishop reported that DEC has released its Draft SGEIS on Hydraulic Fracturing. The public comment period will last until December 12, 2011.

STW Report

Chairman Couture reported that STW did not meet in August. STW Annual meeting will be September 15th at Holiday Valley at 6:00 pm.

Members Forum

Chairman Couture reported that Westinghouse has laid off 90 people which will have an impact on the County.

Joseph Pillittere reported that they have finished working on County Road 46 and will be surfacing it on Tuesday. They are doing a lot of maintenance work on all of the roads.

Ann Padlo distributed a map of the Homer Hill neighborhood prior to the expressway being built in that area.

Kameron Brooks reported that his son has been appointed to the Chautauqua County Planning Board – making three generations of the brooks family serving on a County Planning Board. He also reported that the Town of Randolph has a buyer for the abandoned buildings in the downtown area.

Crystal Abers reported that as a member of the Blue Ribbon Task Force she had attended the Empire Farm Days.

Crystal also reported that the Governor has created 10 Regional Economic Development Councils across the state. Cattaraugus County is in the Western New York Regional Economic Development Council which is comprised of Chautauqua, Cattaraugus, Allegany, Erie and Niagara counties. The Councils will serve as a single point of contact for economic activity in the region. Through their strategic planning process, the Councils will identify and expedite priority projects that demonstrate the greatest potential for job growth. As part of the initiative, up to \$1

billion in state resources will be accessible to eligible economic development projects through existing program grants and tax credits. Each Regional Council will develop a plan for the development of their region, which will provide a regional vision for economic development, address critical issues and opportunities, and lay out an implementation roadmap for future growth. The state will work with the Regional Councils to align state resources and policies, eliminate unnecessary barriers to growth and prosperity, and streamline the delivery of government services and programs to help the Regional Councils carry out their plans for development. They are going to hold community workshops to gather information. The workshop in Cattaraugus County will be held on September 12th in the Cutco Theater at JCC in Olean from 6 – 8 pm.

Mark Smith asked if the State Home in Limestone had been sold. It has been sold to Upper Allegheny Health System (Bradford Regional Medical Center and Olean General Hospital).

Mike Zaprowski reported that the Center Street Bridge in Salamanca is now open.

CORRESPONDENCE

The following correspondence was received and reviewed:

Cattaraugus County Legislature Chairman Michael T. O'Brien – Appointment of Tina Abrams, Mark Smith, Kameron Brooks and James Valent to serve on the Cattaraugus County Planning Board for a term to expire July 31, 2014.

Town of Great Valley – Zoning Text Amendments in HD District and PUD Regulations – All text amendments were adopted August 8, 2011 as proposed with the exception of the proposed modification to Table 3-2 Dimension Regulations changing minimum lot size in A-R Zone to 1.5 acres. Table 3-2 will remain as 2.0 acres minimum lot size in the A-R Zone.

Town of Ellicottville – Notice of public hearing on August 25, 2011 – Area variance to allow a proposed new ski lodge at Holiday Valley Resort to be built to a height of 53 feet, where the town's zoning law sets a maximum height of 45 feet.

Town of Ellicottville – Notice of public hearing on August 29, 2011 for Site Plan approval to allow the construction of an overlook area and a new ski lodge, which would replace the current lodge/clubhouse chalet at Holiday Valley Resort.

NEXT MEETING

The next meeting will be September 29, 2011 at 7:00 pm at the East Otto Town Hall, East Otto, NY.

ADJOURNMENT

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



2011 County Planning Board Members. Standing L-R: Tina Abrams, Mark Smith, Kameron Brooks, Joseph Pillittere, Paul Mager, Vice Chairman, and David McCoy. Seated L-R: Ann Padlo, Secretary, Florence Fuller, James Valent, Michael Zaprowski, Assistant Chairman, and Charles Couture, Chairman. Absent from photo: Robert Keis and Richard Fuller. Photo credit: Margaret Puszc