

Cattaraugus County Planning Board
County Center, Little Valley, NY
April 30, 2009
7:00 pm

PLANNING BOARD MEMBERS PRESENT: Charles Couture, Chairman
Michael Zaprowski, Assist. Sec.
Tina Abrams
Jack Berger
Kameron Brooks
Florence Fuller
Robert Keis
David McCoy
Mark Smith

PLANNING BOARD MEMBERS ABSENT: Paul Mager, Vice Chairman
Ann Padlo, Secretary
Richard Fuller
David Rivet

PLANNING DIVISION STAFF: James H. Isaacson, Senior Planner
Paul R. Bishop, Planner
Margaret E. Puszcz, Stenographic Secretary

GUESTS: Crystal Abers, Chairman Cattaraugus County Legislature

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

APPROVAL OF MINUTES

David McCoy moved with a second from Robert Keis to approve the February 26, 2009 meeting minutes as submitted. Carried.

NEW BUSINESS

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

City of Olean – Site Plan Review – 2211 West State Street

Paul Bishop reported that the City of Olean Planning Board has referred a Site Plan Review to convert the former St. Joseph Nursing Home into medical offices at 2211 West State Street (Tax Map No. 94.063-1-47.1). The proposed medical offices are located adjacent to the current Medical Arts

Building. Both buildings together would require 162 parking spaces, 152 are provided (including all required ADA spaces). These two buildings are also located adjacent to the County owned nursing home, The Pines. A SEQR Short EAF has been completed. A public hearing was held on April 13, 2009.

Staff recommendation is that the proposed action has no significant countywide or inter-municipal impact.

David McCoy moved with a second from Florence Fuller that the City of Olean Planning Board's referred Site Plan Review to convert the former St. Joseph Nursing Home into medical offices at 2211 West State Street has no significant countywide or inter-municipal impact. Carried.

City of Olean – Site Plan Review – 351 Franklin Street

Paul Bishop reported that the City of Olean Planning Board has referred a Site Plan Review for a 4,240 sq. ft. warehouse addition at 351 Franklin Street. The addition would enclose an existing loading dock area. A SEQR Short EAF has been completed. A public hearing has not been scheduled.

Staff recommendation is that the proposed action has no significant countywide or inter-municipal impact.

David McCoy moved with a second from Michael Zaprowski that the City of Olean Planning Board's referred Site Plan Review for a 4,240 sq. ft. warehouse addition at 351 Franklin Street has no significant countywide or inter-municipal impact. Carried.

Village of Allegany – Use Variance – 61 E. Main Street

James Isaacson reported that the Village of Allegany Zoning Board of Appeals has referred a Use Variance to reopen a restaurant located in a R-2 Residential District at 61 E. Main Street (Tax Map No. 93.051-2-26). The owner of the former Zeno's restaurant wants to reopen the restaurant. This was a non-conforming use when it was open, and it has been closed for over a year. According to the Village Zoning Law, a non-conforming use is considered abandoned after 6 months and the use of the property must revert to a permitted use. This is in the R-2 Residential District, a restaurant is not a permitted use, so a use variance is needed to re-establish the use. This is an Unlisted Action under SEQR with no determination made to date. A public hearing is scheduled for May 13, 2009.

Staff recommendation is that this is a local issue, with no countywide or intercommunity impacts.

Robert Keis moved with a second from Michael Zaprowski that the Village of Allegany Zoning Board of Appeals' referred Use Variance to reopen a restaurant located in a R-2 Residential District at 61 E. Main Street is a local issue, with no countywide or intercommunity impacts. Carried.

Town of Allegany – Area Variance – 3142 W. State Street

James Isaacson reported that the Town of Allegany Zoning Board of Appeals has referred an Area Variance to increase the size of an existing sign from 190 square feet to 298 square feet for Wal-Mart at 3142 W. State Street (Tax Map No. 94.061-2-5). The Zoning Ordinance allows two wall signs with a total area of 100 square feet maximum. A previous variance was granted in 2006 for 22 wall-mounted signs totaling 1, 208 square feet in area. This sign is the main “Wal-Mart” sign on the front of the building. Wal-Mart has changed their logo to include a “sunmark” and more white space. The building is set back over 1,000 feet from Route 417. This is a Type 2 Action under SEQR. A public hearing is schedule for May 4, 2009.

Staff recommendation is that this is a local issue, with no countywide or intercommunity impacts.

Tina Abrams moved with a second from Kameron Brooks that the Town of Allegany Zoning Board of Appeals’ referred Area Variance to increase the size of an existing sign from 190 square feet to 298 square feet for Wal-Mart at 3142 W. State Street is a local issue, with no countywide or intercommunity impacts. Carried.

Town of Ellicottville – Area Variance/Special Use Permit/Site Plan Review – Rt. 240

James Isaacson reported that the Town of Ellicottville Planning Board and Zoning Board of Appeals has referred an Area Variance/Special Use Permit/Site Plan Review for the expansion of an existing gravel mine off Route 240 on Canada Hill Road (Tax Map No. 29.004-2-3.2). There are 42 acres of land in an A-4 and C (conservation) Districts which is located on the Town border with Ashford. The existing gravel mine is about 3 acres in size. The expansion will be about 3.6 additional acres. The mine is about 1,000 feet from Route 240.

An Area Variance is needed because the mine is 50 feet from the front property line and 150 feet from the east side property line (RR). The ordinance requires 1,000 feet for setbacks. Site Plan Review and a Special Use Permit are also needed. This is an Unlisted Action under SEQR with no determination made to date. An Ag Data Statement was submitted. There are wetlands on the property, but not in the mine permit limits. A public hearing is scheduled for May 7, 2009.

A Gravel Study was done nine years ago for the Route 16 Corridor, with a number of strategies related to promoting gravel mining and community development in a cooperative manner. One of the recommendations in that study is that reclamation plans should be designed for a wider variety of uses beyond just pastureland, wetlands, wildlife habitat, etc. The community should have input on the future use of the land once the gravel resource is exhausted.

Staff recommendation on the **Area Variance** is approval.

Michael Zaprowski moved with a second from Mark Smith that the Town of Ellicottville Zoning Board of Appeals’ referred expansion of an existing gravel mine requiring a set

back area variance to allow mining with stock piling to come to within 50 feet of front of property line and 150 feet from east side line, where the ordinance requires 1000 ft. minimum setback off Route 240 on Canada Hill Road be approved. Carried.

Staff recommendation on the **Special Use Permit** is approval.

David McCoy moved with a second from Michael Zaprowski that the Town of Ellicottville Planning Board's referred Special Use Permit for expansion of an existing gravel mine off Route 240 on Canada Hill Road be approved. Carried.

Staff recommendation on the **Site Plan Review** is approval with an Advisory that the Town review the reclamation plan for this site with the desired community goals for this area to determine if the proposed reclaimed use is consistent and compatible with the Town's comprehensive planning objectives.

Michael Zaprowski moved with a second from David McCoy that the Town of Ellicottville Planning Board's referred Site Plan Review for expansion of an existing gravel mine off Route 240 on Canada Hill Road be approved with an Advisory that the Town review the reclamation plan for this site with the desired community goals for this area, to determine if the proposed reclaimed use is consistent and compatible with the Town's comprehensive planning objectives. Carried.

Town of Randolph – Special Use Permit – 2685 Atwood Road

Paul Bishop reported that the Town of Randolph Zoning Board of Appeals has referred a Special Use Permit to install a mobile home for employees on the Triple R Farm, LLC at 2685 Atwood Road (Tax Map No. 79.004-1-15). A SEQR Short EAF needs to be completed. An Ag Data Statement has been completed. A public hearing was held on April 21, 2009.

Staff recommendation is that the proposed action has no significant countywide or inter-municipal impact.

Robert Keis moved with a second from Florence Fuller that the Town of Randolph Zoning Board of Appeals' referred Special Use Permit to install a mobile home for employees at 2685 Atwood Road has no significant countywide or inter-municipal impact. Carried.

City of Salamanca – Zoning Text Amendment – Churches – 30 days lapsed

Paul Bishop reported that the City of Salamanca had referred a Zoning Text Amendment concerning churches for our March meeting, which was cancelled. According to General Municipal Law Section 239-m. 4. (b), if a County Planning Board does not respond to a submitted zoning referral within 30 days, the municipality may legally proceed without a response from the County Planning Board which the City did on April 8, 2009.

Environmental Reviews – None

Intergovernmental Reviews

Paul Bishop reported that Intergovernmental Reviews numbered STW#08-005 through STW#09-015 have been received. Staff recommendation is received, reviewed, no comment. *The Board concurred.*

OLD BUSINESS

Update – 520 Ho-Sta-Geh Road, Olean - Nomination to National Register of Historic Places

Paul Bishop reported that the “Craftsman Chalet House” located at 520 Ho-Sta-Geh Road, Olean has been designated as a historically significant structure in Cattaraugus County. It is now listed on the National Register of Historic Places. Therefore it is listed on both the State and National Registers of Historic Places.

REPORTS / OTHER BUSINESS

Chairman’s Report

Annual Meeting

Date – Margaret Puszcz reported that the date of the annual meeting has traditionally been after one of the Legislature meetings in June. Last year’s meeting was held late in July. Those dates this year would be: June 10, June 24 or July 22. The date usually depends on when the chosen speaker is available.

Location – Margaret Puszcz stated that after reviewing the past locations of the meeting, she is suggesting this years meeting be held at the Nic-L-Inn in Frewsburg. *The Board concurred with this suggestion.*

Topic/Speaker – James Isaacson suggested Jack Schultz, a speaker on economic development in rural areas. He has written a book listing 7 ½ reasons why some rural communities survive and others do not. James, Paul and Crystal Abers attended a workshop in Bradford at which he was the main speaker. He is from Illinois and there probably will be a cost to have him come.

Paul Bishop suggested a speaker from a relatively new group called Pipeline 4 Progress. They are promoting the idea that we need to look at our area as a region. *The Board’s first choice would be Jack Schultz if the cost is not too high and their second choice would be Pipeline 4 Progress.*

Brooks Patterson Community Leadership Award Recipient – Several individuals were nominated by the staff and Board members. *Upon discussion, Kameron Brooks moved with a second from Robert Keis to present the Brooks Patterson Community Leadership Award to a recipient to be disclosed at the Annual Meeting. Carried.*

Department Reports

2010 Census – Complete Count Committee – Paul Bishop reported that the County Planning Board has been appointed, by Chairman Abers, as the Complete Count Committee. The main item that we need to focus on is to make sure everyone is counted in the 2010 Census. Currently, U.S. Census workers are visiting all municipalities to identify the addresses of all housing units for the 2010 Census.

Chris Crawford worked on the Local Update of Census Addresses (LUCA) using the County's GIS system to compile a list of parcels with the potential to contain housing units. This list of parcels was sent to the local municipalities and STW along with suggestions on how to check for housing units.

The Census Bureau also wants to know where homeless people are located. Social Services has a list of hotels/motels where homeless people are sent which will be shared with the Census Bureau.

Academy Place in Gowanda – Paul Bishop reported that the old school in Gowanda has been refurbished and is now called Academy Place. Because of the current economic downturn, two main tenants have pulled out of renting space. We have been asked to help get the word out that there is space available in Academy Place.

STW Report

Robert Keis reported that there was no meeting of the STW Board this month. However, he wanted to remind everyone that the Annual Planning Conference at Houghton is next week.

Members Forum

Mike Zaprowski noted that the proposed Water Park in Salamanca is moving forward.

Kameron Brooks noted that the Pat McGee Trail will be opening soon.

CORRESPONDENCE

The following correspondence was received:

City of Salamanca – Zoning Text Amendment – Churches – Adopted April 8, 2009.

Town of Franklinville – Special Use Permit – Private Gun Sales and Service – 6160 Pierce Road – Approved March 3, 2009.

Town of Franklinville – Special Use Permit – Free Standing Sign – Approved March 3, 2009 with the lighting of the sign prohibited.

Town of Dayton – Clarifying the text of Local Law #1-2009 to read that agricultural buildings will require a building permit but no fee will be assessed for same – Adopted March 19, 2009.

Town of Allegany – Site Plan Review – Cater Auction House – Approved with conditions March 16, 2009.

Town of Allegany – Site Plan Review – Creekside Church Recreation Center – Approved March 16, 2009.

Town of East Otto – Special Use Permit – Placement of 2 RVs at 8265 Swamp Road as a camp – Approved March 5, 2009.

Cattaraugus County Dept of Public Works – St. Bonaventure Access Improvement Project, Town of Allegany – the Town of Allegany will act as lead agency for this project – March 4, 2009.

Village of Allegany – Local Law Imposing Temporary Moratorium on the use of Outdoor Wood Heaters & Outdoor Wood Boilers - Adopted March 3, 2009.

Lesley A. Hoag, Transportation Project Manager, Seneca Nation of Indians – Long Range Transportation Plan for the Seneca Nation of Indians – Approved by the Tribal Council on February 14, 2009.

ADJOURNMENT

Florence Fuller moved with a second from Jack Berger to adjourn the meeting at 8:05 pm. Carried.

APPROVED AS SUBMITTED May 28, 2009.