

Cattaraugus County Planning Board  
County Center, Little Valley, NY  
May 28, 2009  
7:00 pm

PLANNING BOARD MEMBERS PRESENT: Charles Couture, Chairman  
Ann Padlo, Secretary  
Michael Zaprowski, Assist. Sec.  
Jack Berger  
Florence Fuller  
Richard Fuller  
Robert Keis  
David McCoy  
David Rivet  
Mark Smith

PLANNING BOARD MEMBERS ABSENT: Paul Mager, Vice Chairman  
Tina Abrams  
Kameron Brooks

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

GUESTS: Kathy Kellogg, Buffalo News

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

## **APPROVAL OF MINUTES**

*Robert Keis moved with a second from Florence Fuller to approve the April 30, 2009 meeting minutes as submitted. Carried.*

## **NEW BUSINESS**

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

#### **Town of Ellicottville – Area Variance – 6269 Route 242**

James Isaacson reported that the Town of Ellicottville Zoning Board of Appeals has referred an area variance request to allow an addition to an existing residence at 6269 Route 242 (Tax Map No. 56.001-1-3.2). The existing structure is set back 17.5 feet from the front property line, and 69 feet from the side property line. Zoning requires 100 foot setbacks on both. The proposed addition will be behind the existing house, and will be set back 42 feet from the front property line, and 69 feet from the side property line. These

setbacks are not more than the existing setbacks for the house. This is a Type 2 Action under SEQR. A public hearing is set for June 4, 2009. Staff recommendation is local issue, no countywide or intercommunity impacts.

*David Rivet moved with a second from Michael Zaprowski that the referred Town of Ellicottville Zoning Board of Appeals area variance to allow an addition to an existing residence at 6269 Route 242 is a local issue with no countywide or intercommunity impacts. Carried.*

### **Town of Ellicottville – Special Use Permit/Site Plan Review – Route 219**

Paul Bishop reported that the Town of Ellicottville Planning Board has referred a Special Use Permit and Site Plan Review for a change in use from a car wash to storage units at US Route 219 (Tax Map No. 46.004-1-43.5). The referral trigger is the location on State Route 219. The car wash structure would remain with doors installed to convert it into storage units. A Short SEQR EAF has been completed. A public hearing is scheduled for June 22, 2009. Staff recommendation is that the proposed action has no significant countywide or inter-municipal impact.

*David Rivet moved with a second from Ann Padlo that the Town of Ellicottville Planning Board's referred Special Use Permit and Site Plan Review for a change in use from a car wash to storage units at US Route 219 would have no significant countywide or inter-municipal impact. Carried.*

### **Town of Farmersville – Local Law – Waste Management Facilities**

Paul Bishop reported that the Town of Farmersville has referred Local Law 1- 2009 entitled "Waste Management Facilities Law of the Town of Farmersville". This law will repeal Local Ordinance 1-1953 and Local Laws 1-1991, 1-1994, 1-2000 and 3-2000. Under Town Law, a municipality can limit waste management facilities or ban them completely. Under SEQR a Full EAF needs to be completed. A public hearing has been scheduled for June 16, 2009. Staff recommendation is that the proposed action has no significant countywide or inter-municipal impact.

*Richard Fuller moved with a second from Ann Padlo that the Town of Farmersville's referred Local Law 1-2009 entitled "Waste Management Facilities Law of the Town of Farmersville" would have no significant countywide or inter-municipal impact. Carried.*

### **Town of Farmersville – Local Law – Wind Energy Conversion Facilities**

James Isaacson reported that the Town of Farmersville has referred a Local Law entitled "Town of Farmersville Wind Energy Conversion Facilities Law". They are proposing to repeal an existing Wind Energy Conversion Facilities Law, and replace it with this new one. The previous version was PILOT-driven. This one restores the tax exemption for these facilities and requires a license. The new law deals with regulation and placement of commercial wind conversion facilities only. It briefly describes the site plan review process; requires applicant to address impacts on visual effects (viewsheds and light flicker), impacts on birds and bats; sets a noise standard, height limitation (450 ft), setbacks (1.2x height from structures, ROW's, utilities, neighboring property lines, or

1,000 ft from neighbor's house); addresses impacts to electromagnetic interference. Sets application fees, and requires the applicant to reimburse the town for any costs incurred in reviewing an application. It also requires a license, host community and mitigation agreement. This is a Type 1 Action under SEQR with a Negative Declaration made. A Public Hearing is scheduled for July 20, 2009. Staff recommendation is approval.

Discussion on the pros and cons of wind farms.

*Michael Zaprowski moved with a second from Richard Fuller to approve the Town of Farmersville's referred Local Law entitled "Town of Farmersville Wind Energy Conversion Facilities Law". Carried.*

### **Town of Great Valley – Referral Exemptions Agreement**

James Isaacson reported that the Town of Great Valley would like to enter into a Zoning Referral Exemption Agreement with the County Planning Board. The Town Board adopted a resolution Exempting Certain Referrals Mandated by General Municipal Law Section 239-M on May 11, 2009. However, the Chairman of the Planning Board signed the agreement. Since the Agreement is between the County Planning Board and the Town of Great Valley, which encompasses the Town Board, the Town Planning Board and the Town Zoning Board of Appeals, the signature on the Agreement should be the Town Supervisor's, not the Chairman of the Town Planning Board. Staff recommendation is approval with the condition that the Town Supervisor sign the Agreement.

*Florence Fuller moved with a second from Michael Zaprowski to approve the Zoning Referral Exemption Agreement with the Town of Great Valley with the condition that the Town Supervisor sign the Agreement and authorized the Chairman of the County Planning Board to sign the Agreement once the Town of Great Valley Supervisor has signed it. Carried.*

### **Environmental Reviews – None**

### **Intergovernmental Reviews**

Paul Bishop reported that Intergovernmental Reviews numbered STW#09-016 through STW#09-022 have been received. Staff recommendation is received, reviewed, no comment. The Board concurred.

### **OLD BUSINESS – None**

### **REPORTS**

#### **Chairman's Report**

**Annual Meeting** – Margaret Puszczy reported that the date of the Annual Meeting will be July 22, 2009 at the Nic-L-Inn, Frewsburg starting at 5 pm for refreshments, 6 pm dinner and 7 pm program.

Paul Bishop reported that the first choice for speaker had been Jack Schultz, President of Boomtown Institute. However, the fee that he charges was not feasible for us to pay. The second choice for speaker was someone from the Pipeline 4 Progress group which is young professionals who try to attract other young professionals to come back to this area to live and work. They have agreed to be the speaker for our meeting.

### **Department Reports**

**Interim Director** – Paul Bishop reported that Joseph Williams is no longer the Interim Director for the Department. He has returned to his position as Procurement Technical Assistance Center (PTAC) Program Director. Jack Searles, County Administrator has been assigned to oversee our Department until a Director has been hired, which should be very soon.

**Annual Report** – Margaret Puszcz distributed copies of the 2008 Annual Report for the Department of Economic Development, Planning and Tourism. She noted that pages 5 through 9 represents the County Planning Board's required Annual Report to the County Legislature per General Municipal Law Section 239-c. 4.

**Ag Data Statement Form Proposed Revisions** – Paul Bishop reviewed the current Ag Data Statement, which must accompany any zoning referral when the property is in or near an Agricultural District, and then reviewed the proposed revisions to the form.

*Richard Fuller moved with a second from David McCoy to approve the revised form as presented. Carried.*

**Census 2010** – Paul Bishop reported that the County Planning Board's role as the Complete Count Committee, is to get the word out so that as many people as possible will complete their Census on April 1, 2010. The Census form this time is very simple with only 10 questions. Currently, Census Bureau employees are out checking addresses. In the Fall, the Census Bureau will be hiring additional people to help with the actual Census Count.

**New Planning Website** – James Isaacson presented the new Planning Website for the Planning Board's review and encouraged them to go on line and to review it in depth and let him know of any errors or suggestions to improve its usefulness.

### **STW Report**

Robert Keis reported the following:

**Election of Officers** – STW Board held its Annual Meeting on May 15, 2009 and elected the following officers: James Cooper, Chautauqua County, Chairman; Robert Keis, Cattaraugus County, Vice Chairman; and Sue Myers, Allegany County, Secretary.

**2010 Census** – STW staff is working with the NYS Data Center and the US Census Bureau on outreach and education programs for the region.

**Southern Tier West's Regional Transportation Plan** – An initial draft of the Regional Transportation Plan will be provided to the Transportation Committee in early June, for comments at the June 16<sup>th</sup> Committee Meeting and then a final draft of the Plan will be approved at the June 25<sup>th</sup> STW Board of Director's meeting.

**Marcellus Shale** - Art VanTyne, Consultant from Wellsville reported at the STW Annual Meeting that Marcellus Shale is a black shale formation extending deep underground from Ohio and West Virginia northeast into Pennsylvania and southern New York. Although the Marcellus Shale is exposed at the ground surface in some location in the northern Finger Lakes area, it is as deep as 900 feet or more below the ground surface along the Pennsylvania border in the Delaware River Valley. Drilling activity is expected to focus on areas where the Marcellus Shale is deeper than 2,000 feet. Geologists estimate that the entire Marcellus Shale formation contains between 168 trillion to 516 trillion cubic feet of natural gas throughout its entire extent. Interest has increased significantly of late due to recent enhancements to gas well development technology, specifically horizontal drilling and hydraulic fracturing; the proximity of high natural gas demand markets in New York, New Jersey, and New England; and the construction of the Millennium Pipeline through the Southern Tier.

Robert Keis suggested that a presentation on Marcellus Shale could be made to our County Planning Board at a future meeting.

David McCoy stated that the topic of Marcellus Shale is a very interesting one. He has attended several presentations on it. The Farm Bureau from Steuben County does this type of presentation. We could schedule a presentation for a future meeting.

### **Members Forum**

Michael Zaprowski noted that the Tim Horton's project in Salamanca is now a go.

David McCoy reported that the Town of Portville is continuing to work on revising its Comprehensive Plan.

Robert Keis stated that the Town of Mansfield was saddened by the tragic drowning of their Highway Superintendent on Sunday.

David Rivet reported that last year the County cleared the property where the old Ford garage had been in the Village of Cattaraugus. A developer is very interested in building a Dollar General at that location.

### **Correspondence**

The following correspondence was received and reviewed:

**Town of Randolph Zoning Board of Appeals** – Special Use Permit – Install a mobile home for employees on the Triple R Farm, LLC. – 2685 Atwood Road – Approved May 4, 2009.

**Town of Ellicottville Zoning Board of Appeals** – Area Variance – Expansion of an existing gravel mine – Granted subject to eight conditions of approval – May 7, 2009.

**City of Olean Planning Board** – Site Plan Review – 351 Franklin Street – Warehouse addition – Approved as submitted – May 11, 2009.

**City of Olean Planning Board** – Site Plan Review – 2211 West State Street – Conversion of the former St. Joseph Nursing Home into medical offices – Approved as submitted – May 11, 2009.

**Town of Allegany Zoning Board of Appeals** – Area Variance – 3142 W. State Street – Increase the size of an existing sign for Wal-Mart from 190 square feet to 298 square feet – Approved May 4, 2009.

### **Adjournment**

*David Rivet moved with a second from Michael Zaprowski to adjourn the meeting at 8:10 pm. Carried.*